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DEPARTMENT OF LABOR.

No. 17—JULY, 1898.

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CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

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ECONOMIC ASPECTS OF THE LIQUOR PROBLEM.

The Twelfth Annual Report of the Commissioner of Labor is entitled Economic Aspects of the Liquor Problem. The act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, authorized the Commissioner of Labor to make an investigation relating to the above subject, providing such investigation could be carried out under the regular appropriations made for the Department of Labor.

A report on the economic aspects of the liquor problem, to cover the various phases of the subject, should consider the agricultural products and other materials used in the production of liquors; the manufacture of liquors as a distinct industry; the transportation of liquors from the place of production to that of consumption; the consumption of and the traffic in liquors; the revenue derived from the manufacture and traffic; the laws regulating the collection of revenue; the experience and practice of employers in relation to the use of intoxicants, and all the financial conditions relating to the liquor business.

The agricultural products used in the manufacture of liquors form, as a rule, a very small proportion of the total of such products, and it is therefore not possible to ascertain the capital, the number of employees, etc., represented by such portion. The transportation of liquor forms a very small proportion of the land and water transportation business of the whole country, and it is impossible to estimate the capital and number of employees represented by it. On the remaining subjects enumerated above, reliable and fairly complete data in regard to the production of liquors were found in the reports of the Commissioner of Internal Revenue and the publications of the census office. To obtain information in regard to the traffic in liquors and the revenue derived from the manufacture and traffic, as well as the experience and practice of employers in relation to the use of intoxicants, original inquiry was necessary, and it is along these lines that the main work of this investigation was done, the amount of work and its comprehensiveness being limited by the provisions of the law authorizing the investigation, that it should be conducted under the regular appropriations of the Department.

In the Twelfth Annual Report the facts ascertained by the investigation are presented under the following heads: The production of liquors; the consumption of liquors; the traffic in liquors; the revenue from the production of and the traffic in liquors; the experience and practice of employers relative to the use of intoxicants; and laws regulating the revenue derived from liquor production and traffic.

THE PRODUCTION OF LIQUORS.

Statistics concerning the number of distilleries and breweries and the quantity of distilled spirits and fermented liquors manufactured in the United States are presented in the annual reports of the Commissioner of Internal Revenue. The following table, prepared from those reports and from the Statistical Abstract of the United States, issued by the Bureau of Statistics of the Treasury Department, shows the number of distilleries in operation and breweries and the quantity of the production, also the quantity of domestic wines produced, during each fiscal year from 1880 to 1896, inclusive:

DISTILLERIES IN OPERATION AND BREWERIES AND PRODUCTION OF DISTILLED SPIRITS, FERMENTED LIQUORS, AND DOMESTIC WINES, 1880 TO 1896.

[The facts relating to distilleries and breweries are from the reports of the Commissioner of Internal Revenue; those relating to wines are estimates from the Statistical Abstract of the United States, issued by the Bureau of Statistics of the Treasury Department.]

Year ending—	Distilleries in operation.		Breweries.		Domestic wines (gallons).
	Number.	Production (gallons).	Number. (a)	Production (barrels).	
June 30, 1880	4,661	91,378,417	2,741	13,347,111	23,453,827
June 30, 1881	5,210	119,528,011	2,474	14,311,028	19,000,000
June 30, 1882	5,022	107,283,215	2,371	16,952,085	19,999,996
June 30, 1883	5,129	75,294,510	2,378	17,757,892	17,487,000
June 30, 1884	4,738	76,531,167	2,240	18,998,619	17,500,000
June 30, 1885	5,172	76,405,074	2,230	19,185,953	17,500,000
June 30, 1886	6,034	81,849,260	2,292	20,710,933	21,000,000
June 30, 1887	4,905	79,433,446	2,269	23,121,526	28,000,000
June 30, 1888	3,646	71,688,188	b 1,968	24,680,219	31,999,994
June 30, 1889	4,349	91,133,550	2,144	25,119,853	30,000,000
June 30, 1890	6,211	111,101,738	2,156	27,561,944	24,306,905
June 30, 1891	3,819	117,767,101	2,138	30,497,209	24,306,906
June 30, 1892	5,925	118,436,506	1,967	31,856,626	23,725,418
June 30, 1893	4,743	131,010,330	1,930	34,591,179	27,126,500
June 30, 1894	5,148	92,153,651	1,805	33,362,373	18,875,728
June 30, 1895	2,429	81,909,771	1,771	33,589,784	17,748,360
June 30, 1896	6,187	89,992,555	1,866	35,859,250	15,980,000

a The figures in this column are for special-tax years which up to 1890 began May 1. By act of Congress the special-tax year was made identical with the fiscal year, the law taking effect July 1, 1891.
b Obtained by dividing the amount of internal-revenue tax paid by the annual rate of tax.

The production of distilled spirits is shown to have varied greatly from year to year, beginning with 91,378,417 gallons in 1880, reaching 119,528,011 in the next year, which stood as the maximum until 1893, when it reached 131,010,330, but in the meantime falling in 1888 to the minimum for the period, when it amounted to but 71,688,188 gallons.

The production of fermented liquors seems to have made a steady growth from 13,347,111 barrels in 1880 to 35,859,250 barrels in 1896.

It can hardly be said that the tendency of this growth has been to displace distilled spirits. In fact, there is no apparent relation between the two. In 1893, the year of maximum production of distilled spirits, the production of fermented liquors reached 34,591,179 barrels, both classes making much more than a normal increase over the preceding year. In 1888, the year of minimum production of distilled spirits, the production of fermented liquors was 24,680,219 barrels, apparently about a normal quantity.

The production of domestic wines is also seen to have been fluctuating greatly, having been 23,453,827 gallons in 1880 and falling to a minimum in 1896 of 15,980,000 gallons, although in 1888 it exceeded and in 1889 equaled 30,000,000 gallons. This great fluctuation was probably largely due to the fact that the production was dependent upon a fruit crop, always a more or less uncertain element.

Statistics concerning the capital, employees, value of products, etc., of establishments engaged in the manufacture of liquors should be considered in connection with the quantity of the product. The only available data on this subject are contained in the reports of the Federal census, and the following table, prepared from those reports, presents the statistics concerning the manufacture of distilled, fermented, and vinous liquors in each State and Territory, as reported at the censuses of 1880 and 1890. In compiling the data presented in this table, no reference whatever was had to the reports of the Commissioner of Internal Revenue; therefore the values in the following table should not be compared with the quantities given in the preceding table, nor can the number of establishments given in the two tables be compared except as hereafter specified. The census tables concerning the manufacture of liquors are classified as "Distilled liquors," "Fermented liquors," and "Vinous liquors."

MANUFACTURE OF DISTILLED, FERMENTED, AND VINOUS LIQUORS, BY STATES AND TERRITORIES, 1880 AND 1890.

[From the reports of the Tenth and Eleventh censuses. The inquiries used at the census of 1890 probably resulted in obtaining a report more nearly complete than in 1880.]

States and Territories.	Year.	Establishments reporting.	Capital.	Average employees.	Total wages.	Cost of materials.	Value of products.
Alabama	1880	1	$3,000	3	$510	$3,221	$5,170
	1890	3	438,000	102	76,240	140,609	344,986
Arizona	1880	9	35,550	6	2,140	7,824	14,345
	1890	.....	.....	.....	.....	.....	.....
Arkansas	1880	11	22,100	16	1,965	14,202	22,105
	1890	14	47,075	38	7,541	11,085	52,775
California	1880	267	4,663,139	1,722	694,584	2,860,446	5,121,816
	1890	201	9,360,507	1,705	1,027,958	2,073,617	5,596,800
Colorado	1880	23	527,100	139	62,096	230,695	418,902
	1890	11	1,917,050	269	284,687	555,149	1,601,168
Connecticut	1880	23	522,600	121	57,559	334,837	562,828
	1890	24	1,725,361	302	247,033	672,500	1,748,508
Dakota	1880	10	64,400	20	8,604	31,649	57,160
	1890	.....	.....	.....	.....	.....	.....
Delaware	1880	3	95,800	16	7,445	39,374	67,698
	1890	3	456,876	58	48,060	100,608	247,046
District of Columbia	1880	10	208,300	64	30,186	162,739	275,232
	1890	5	836,434	120	82,422	295,017	853,800

MANUFACTURE OF DISTILLED, FERMENTED, AND VINOUS LIQUORS, BY STATES AND TERRITORIES, 1880 AND 1890—Concluded.

States and Territories.	Year.	Establishments reporting.	Capital.	Average employees.	Total wages.	Cost of materials.	Value of products.
Georgia	1880	26	$106,073	56	$16,293	$106,384	$172,654
	1890	42	1,006,872	312	160,975	310,817	904,698
Idaho	1880	3	15,000	4	1,169	5,307	9,105
	1890	5	16,030	15	4,434	5,265	17,580
Illinois	1880	147	9,536,451	3,762	1,689,261	13,328,132	20,398,869
	1890	95	30,076,148	3,966	2,881,969	8,545,740	65,660,783
Indiana	1880	87	3,912,489	999	437,821	3,103,446	5,018,797
	1890	54	6,215,855	1,181	786,418	1,855,113	9,677,973
Iowa	1880	126	2,269,493	746	250,354	1,155,730	2,008,296
	1890	18	1,057,292	207	136,756	294,626	786,585
Kansas	1880	33	489,700	112	36,763	148,441	263,420
	1890	.....	.....	.....	.....	.....	.....
Kentucky	1880	247	7,608,116	1,877	769,964	6,351,897	9,775,077
	1890	155	14,971,953	2,589	1,204,238	4,729,717	17,760,545
Louisiana	1880	11	169,113	116	55,332	297,703	461,384
	1890	8	3,188,232	282	270,884	592,562	1,905,760
Maryland	1880	69	2,861,090	578	265,631	1,860,420	3,022,696
	1890	45	7,323,276	1,006	778,142	2,344,843	7,331,537
Massachusetts	1880	41	3,869,240	1,338	631,375	3,595,106	6,216,618
	1890	34	6,611,677	1,023	915,837	2,343,741	6,728,245
Michigan	1880	114	2,216,448	645	285,976	1,226,586	2,185,962
	1890	78	3,963,163	839	588,109	998,128	2,979,258
Minnesota	1880	102	1,395,100	437	151,712	655,680	1,165,622
	1890	66	3,625,239	658	412,682	751,907	2,206,366
Missouri	1880	93	5,632,750	1,612	758,089	3,301,439	5,761,507
	1890	50	17,413,967	3,288	2,544,662	6,875,762	19,059,055
Montana	1880	17	170,500	32	10,825	40,928	72,442
	1890	6	452,400	53	50,670	60,930	204,645
Nebraska	1880	24	627,200	193	74,438	360,109	618,870
	1890	14	1,464,211	200	166,183	357,266	1,079,865
Nevada	1880	33	186,170	59	23,363	88,488	157,531
	1890	.....	.....	.....	.....	.....	.....
New Hampshire	1880	6	870,000	308	140,419	722,023	1,296,977
	1890	.....	.....	.....	.....	.....	.....
New Jersey	1880	73	3,430,845	1,179	505,166	2,650,658	4,654,323
	1890	45	10,228,915	1,425	1,412,247	3,604,324	10,050,502
New Mexico	1880	5	8,300	6	1,250	3,622	7,825
	1890	.....	.....	.....	.....	.....	.....
New York	1880	356	28,492,527	8,341	4,017,268	20,751,381	36,780,377
	1890	249	68,219,486	8,385	8,083,323	18,966,530	54,009,249
North Carolina	1880	175	181,049	113	20,445	167,373	259,838
	1890	55	73,560	144	35,124	53,574	255,302
Ohio	1880	221	13,739,230	3,863	1,646,012	10,227,336	16,590,860
	1890	179	24,591,010	4,155	3,224,292	8,054,866	28,484,290
Oregon	1880	23	287,500	57	24,961	92,409	167,681
	1890	13	805,135	100	89,059	165,887	613,316
Pennsylvania	1880	362	14,276,821	2,790	1,340,234	6,985,457	11,987,832
	1890	203	28,731,116	4,031	3,144,547	7,787,284	22,698,423
Rhode Island	1880	4	165,000	90	39,410	236,944	398,743
	1890	3	287,500	97	80,025	187,500	436,846
South Carolina	1880	11	81,700	16	3,702	19,692	31,945
	1890	.....	.....	.....	.....	.....	.....
Tennessee	1880	66	440,073	166	52,946	397,413	614,598
	1890	36	1,446,546	308	170,709	370,362	1,240,663
Texas	1880	23	63,500	30	10,591	32,166	56,709
	1890	7	1,534,775	444	263,347	495,307	1,702,087
Utah	1880	14	153,500	50	20,719	77,011	139,239
	1890	5	150,500	46	25,685	37,206	113,531
Virginia	1880	39	435,040	107	26,585	152,455	259,302
	1890	28	99,867	63	11,027	19,450	93,132
Washington	1880	18	101,500	39	12,247	46,430	83,011
	1890	13	1,328,329	230	213,275	424,637	1,178,306
West Virginia	1880	11	422,017	121	45,242	282,161	450,196
	1890	6	833,768	181	118,992	323,894	747,402
Wisconsin	1880	209	7,647,205	1,724	841,524	3,741,734	6,614,386
	1890	110	16,820,553	3,169	1,865,400	4,830,656	14,198,777
Wyoming	1880	6	35,000	16	6,403	24,326	43,293
	1890	.....	.....	.....	.....	.....	.....
All other States (*a*)	1890	41	1,951,571	434	265,214	994,053	7,205,835
The United States	1880	3,152	118,037,729	33,689	15,078,579	85,921,374	144,291,241
	1890	1,924	269,270,249	41,425	31,678,166	80,230,532	289,775,639

a Includes establishments distributed as follows: Connecticut, 1; Florida, 2; Illinois, 2; Indiana, 1; Iowa, 2; Michigan, 2; Minnesota, 2; Nebraska, 1; Nevada, 2; New Hampshire, 2; New Mexico, 2; North Carolina, 2; North Dakota, 1; Oregon, 1; Rhode Island, 1; South Carolina, 2; South Dakota, 1; Texas, 4; Virginia, 2; Washington, 2; West Virginia, 2; Wisconsin, 2; Wyoming, 2.

The table on page 510 shows that there were 6,211 distilleries in operation and 2,156 breweries reported for the year 1890 by the Commissioner of Internal Revenue. The reports of the Eleventh Census for the same year give 440 establishments engaged in the manufacture of distilled liquors and 1,248 in the manufacture of fermented liquors; also 236 in the manufacture of vinous liquors. The small number of establishments reported by the census as compared with the reports of the Commissioner of Internal Revenue is explained as follows: A large proportion of the distilleries shown by the internal-revenue reports to have been in operation were small establishments engaged in distilling fruit brandies and in operation for only a short time in the fall of the year. The number of distilleries shown by the census reports is the number that was in operation at the time of the enumeration during the month of June of the respective census years, and would necessarily not include the fruit distilleries referred to. This condition may also account in part for the discrepancy in the number of breweries shown by the reports of the two offices, as the number given in the internal-revenue reports is the number paying the internal-revenue tax, irrespective of the length of time they were in operation during the year, while the number given in the census reports is the number the enumerators found in operation. The discrepancy is also accounted for in part by the fact that when two or more distilleries or breweries were owned by the same corporation, firm, or individual, and located in the same county or city, they were counted as one establishment in the census reports. In the internal-revenue reports the actual number of distilleries in operation and the number of internal-revenue stamps issued to brewers are shown. Then in all probability the census enumerators neglected to report some establishments that should have been reported.

Bearing in mind the foregoing facts in regard to the incompleteness of the census reports, the capital invested, employees, wages paid, cost of materials, and value of products may be considered. The total capital invested in the production of distilled liquors in 1890 was $31,006,176; materials to the value of $14,909,173 were used; wages to the amount of $2,814,889 were paid to 5,343 employees, and the value of the products was $104,197,869. In the manufacture of fermented liquors $232,471,290 was invested; $64,003,347 was the cost of the materials used; 34,800 employees were paid wages to the amount of $28,382,544, and the total value of the products was $182,731,622. In the manufacture of vinous liquors the capital invested was $5,792,783; the materials used cost $1,318,012; the wages paid the 1,282 employees amounted to $480,733, and the value of the products was $2,846,148.

For the three classes of liquors the total capital invested was $269,270,249; the cost of materials used was $80,230,532; the wages paid the 41,425 employees amounted to $31,678,166, and the total value of the products was $289,775,639.

Although 3,152 establishments were reported in 1880, and but 1,924 in 1890, capital, wages paid, and value of products had more than doubled in 1890.

The following table, prepared from the reports of the Commissioner of Internal Revenue, giving the number of grain, molasses, and fruit distilleries registered and in operation and the number of breweries for each fiscal year from 1880 to 1896, shows the extent to which the small fruit distilleries have entered into the total for each year:

NUMBER OF DISTILLERIES AND BREWERIES, 1880 TO 1896.

[From the reports of the Commissioner of Internal Revenue.]

Year ending—	Distilleries.								Breweries. (a)	Total distilleries operated and breweries.
	Grain.		Molasses.		Fruit.		Total.			
	Registered.	Operated.	Registered.	Operated.	Registered.	Operated.	Registered.	Operated.		
June 30, 1880	1,050	997	7	7	3,710	3,657	4,767	4,661	2,741	7,402
June 30, 1881	1,301	1,240	7	7	3,964	3,963	5,272	5,210	2,474	7,684
June 30, 1882	1,147	934	7	7	4,081	4,081	5,235	5,022	2,371	7,393
June 30, 1883	1,250	1,096	7	7	4,026	4,026	5,283	5,129	2,378	7,507
June 30, 1884	1,291	1,078	7	7	3,658	3,653	4,956	4,738	2,240	6,978
June 30, 1885	1,195	918	9	9	4,295	4,245	5,499	5,172	2,230	7,402
June 30, 1886	1,132	950	9	9	5,101	5,075	6,242	6,034	2,292	8,326
June 30, 1887	1,160	969	10	10	3,986	3,926	5,156	4,905	2,269	7,174
June 30, 1888	1,300	1,029	10	10	2,684	2,607	3,994	3,646	b 1,968	5,614
June 30, 1889	1,440	1,267	10	10	3,126	3,072	4,576	4,349	2,144	6,493
June 30, 1890	1,536	1,397	10	10	4,884	4,804	6,430	6,211	2,156	8,367
June 30, 1891	1,618	1,424	11	11	2,420	2,384	4,049	3,819	2,138	5,957
June 30, 1892	1,663	1,457	10	10	4,481	4,458	6,154	5,925	1,967	7,892
June 30, 1893	1,798	1,617	11	11	3,180	3,115	4,989	4,743	1,930	6,673
June 30, 1894	1,964	1,541	12	12	3,633	3,595	5,609	5,148	1,805	6,953
June 30, 1895	1,949	1,621	12	11	920	797	2,881	2,429	1,771	4,200
June 30, 1896	1,833	1,351	11	11	4,845	4,825	6,689	6,187	1,866	8,053

a The figures in this column are for special-tax years, which up to 1890 began May 1. By act of Congress the special-tax year was made identical with the fiscal year, the law taking effect July 1, 1891.
b Obtained by dividing the amount of internal-revenue tax paid by the annual rate of tax.

As will be seen from this table, the fruit distilleries form a very large proportion of the whole number of distilleries, although their product is but a comparatively small proportion of the whole. In 1896 there were in operation 4,825 fruit, 1,351 grain, and 11 molasses distilleries, the total number being 6,187.

The production of fruit brandies in 1880 amounted to 1,023,147 gallons, and in 1890 to 1,825,810 gallons. The average production per distillery in 1880 was 280, and in 1890, 380 gallons.

The distillation of fruit brandies is done largely on farms in connection with other agricultural pursuits, and it would therefore be impossible to show the capital, employees, etc., engaged in it as a distinct industry. The census enumerators obtained reports only from establishments in which the annual value of the product amounted to $500 or more, and it is believed that comparatively few of the fruit distilleries were large enough to be reported under this rule. It is believed, however, that the majority of places in which the industry was carried on to any considerable extent were reported. It is probable that such

of them as were reported were classified as vinous liquors instead of distilled liquors. The omissions do not destroy the utility of the data.

In addition to other items the number of males, females, and children employed in 1890 in the manufacture of liquors is shown in the following table:

MANUFACTURE OF LIQUORS, 1890.

[From the reports of the Eleventh Census.]

Items.	Distilled liquors.	Malt liquors.	Vinous liquors.	Total.
Number of establishments reporting	440	1,248	236	1,924
Capital:				
Land	$2,816,967	$33,538,926	$367,010	$36,722,903
Buildings	6,299,511	64,412,133	1,049,005	71,760,649
Machinery, tools, and implements	7,856,249	50,288,210	1,290,598	59,435,057
Live assets	14,033,449	84,232,021	3,086,170	101,351,640
Total	31,006,176	232,471,290	5,792,783	269,270,249
Miscellaneous expenses	65,179,927	48,276,290	270,377	113,726,594
Average number of employees and total wages:				
Officers, firm members, and clerks—				
Males above 16 years	573	4,483	229	5,285
Wages	$564,325	$7,621,448	$178,955	$8,364,728
Females above 15 years	8	60	5	73
Wages	$4,500	$47,713	$2,325	$54,538
Operatives, skilled and unskilled—				
Males above 16 years	4,559	29,117	962	34,638
Wages	$2,142,232	$20,399,030	$285,418	$22,826,680
Females above 15 years	3	168	24	195
Wages	$390	$40,757	$7,382	$48,529
Children	5	508	6	519
Wages	$540	$91,609	$548	$92,697
Pieceworkers—				
Males above 16 years	194	374	54	622
Wages	$102,802	$165,763	$5,905	$274,470
Females above 15 years	.....	82	2	84
Wages	.....	$15,000	$200	$15,200
Children	1	8	.....	9
Wages	$100	$1,224	.....	$1,324
Total employees	5,343	34,800	1,282	41,425
Total wages	$2,814,889	$28,382,544	$480,733	$31,678,166
Cost of materials used	14,909,173	64,003,347	1,318,012	80,230,532
Value of products	104,197,869	182,731,622	2,846,148	289,775,639

The item "Miscellaneous expenses," shown in the above table, is composed of amounts paid for rent, taxes (including internal-revenue tax), insurance, ordinary repairs of buildings and machinery, interest on cash used in the business, and sundries. Some of these items, especially internal-revenue tax, were included in the cost of materials at prior censuses.

The value of the land, buildings, machinery, tools, and implements owned by establishments engaged in the manufacture of liquors appears, from this table, to have amounted to $167,918,609 in 1890. From the reports of the Eleventh Census on Wealth, Debt, and Taxation, the average rate of taxation per $100 of true valuation for the entire United States was $0.73. Applying this rate to the above valuation will give a total of $1,225,805.85 as the annual amount derived from the tax on real and personal property owned by establishments engaged in the manufacture of liquors.

From the reports of the Commissioner of Internal Revenue it appears that the liquors produced during 1890 consisted of 111,101,738 gallons of distilled spirits, 24,306,905 gallons of domestic wines, and 27,561,944 barrels of fermented liquors. Reducing the barrels of fermented liquors to gallons at the rate of 31 gallons to the barrel, and adding the distilled liquors and wines, gives a total product of 989,828,907 gallons. For reasons already given, this quantity should not be compared with the value of products shown by the preceding table to have amounted to $289,775,639.

In addition to the manufacture of liquors the census reports contain statistics concerning the production of "malt." While the establishments that make a specialty of the manufacture of malt are not engaged directly in the production of liquors, a large portion or all of their products is consumed in such production. Therefore the capital, employees, etc., controlled by such establishments should be considered in this connection. The following table gives the totals for the establishments engaged in the industry as reported at the censuses of 1880 and 1890:

MANUFACTURE OF MALT, 1880 AND 1890.

[From the reports of the Tenth and Eleventh censuses. The inquiries used at the census of 1890 probably resulted in obtaining a report more nearly complete than in 1880.]

Items.	1880.	1890.
Number of establishments reporting	216	202
Capital	$14,390,441	$24,293,864
Average number of employees	2,332	3,694
Total wages	$1,004,548	$2,103,200
Cost of materials	$14,321,423	$17,100,074
Value of products	$18,273,102	$23,442,559

This table shows that, in 1890, 202 establishments were reported engaged in the production of malt, having a capital of $24,293,864, and that the total value of their products was $23,442,559.

The principal materials used in the manufacture of liquors are the products of the farm and consist largely of corn, barley, rye, oats, wheat, hops, apple and pear pomace, and ground grapes.

In order to obtain the total bushels of grain of all kinds consumed it is necessary to ascertain the quantity used in the manufacture of malt and to reduce the pounds of rice to bushels.

The records of the Bureau of Internal Revenue show that 45,792,665 bushels of malt were used by breweries during the year ending June 30, 1896. The quantities of grain used in the manufacture of the malt were not reported. On the average there are 34 pounds to the bushel of malt and 48 pounds to the bushel of barley; multiplying the 45,792,665 bushels by 34 and dividing the product by 48 gives 32,436,471 bushels of barley in the malt. Reducing the 114,848,366 pounds of rice used to bushels on the basis of 70 pounds to the bushel, gives 1,640,691 bushels. Adding the bushels of barley in the malt and the bushels of

rice to the 24,872,318 bushels of other grains used, makes a total of 58,949,480 bushels of grain consumed in the manufacture of liquors during the fiscal year ending June 30, 1896.

From the reports of the Bureau of Statistics, Treasury Department, there appears to have been 2,050,042,543 bushels of corn in the country for consumption during the year ending June 30, 1896. There were 19,019,243 bushels of corn and cerealine consumed in the manufacture of liquors, or 0.93 per cent of the total consumption. The rye crop for 1895 is reported at 27,210,070 bushels; during the year 1895–96 there were exported 988,466 bushels and imported 154 bushels, making the quantity in the country, apparently for consumption, 26,221,758 bushels; of this quantity 2,955,833 bushels, or 11.27 per cent, were consumed in the manufacture of liquors. If, in the same manner, the exports are subtracted and the imports added to the barley crop of 1895, the amount in the country, apparently for consumption, would be 80,213,619 bushels; of this amount, the 32,438,219 bushels consumed in the manufacture of liquors formed 40.44 per cent.

The growing of hops is an important agricultural industry, and it is to a greater extent than any other fostered by the liquor industry. The hop crop of 1889, according to the reports of the Eleventh Census, amounted to 39,171,270 pounds. The imports for 1890 amounted to 6,539,516 pounds, and the exports to 7,959,253 pounds, leaving 37,751,533 pounds in the country for consumption. There were consumed, in the manufacture of fermented liquors during the fiscal year of 1896, 34,898,930 pounds of hops.

The quantities of materials used by grain and molasses distillers have been published, and the following table presents the totals for each fiscal year from 1880 to 1896:

MATERIALS USED IN GRAIN AND MOLASSES DISTILLERIES, 1880 TO 1896.

[From the reports of the Commissioner of Internal Revenue.]

Year ending June 30—	Malt.	Wheat.	Barley.	Rye.	Corn.	Oats.	Mill feed.	Molasses.	Other materials.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels	Bushels.	Gallons.	Bushels.
1880.....	1,830,562	5,103	19,892	3,623,055	17,649,269	140,982	526,362	3,110,190	211,134
1881.....	2,455,184	180,886	124,095	4,630,800	23,109,114	177,855	612,736	2,710,307	505
1882.....	2,192,719	301,241	50,675	4,228,649	20,051,239	168,488	452,330	2,121,804	13,754
1883.....	1,478,971	291,368	73,380	2,987,473	13,428,469	122,583	240,340	2,373,106	22,203
1884.....	1,633,914	114,475	199,656	2,867,603	13,746,505	124,165	241,073	2,259,536	591
1885.....	1,638,578	130,721	17,855	2,733,397	13,040,357	80,552	223,558	2,719,416	185
1886.....	1,823,758	55,179	19,891	3,285,959	13,821,193	58,652	130,700	2,308,130	.....
1887.....	1,825,627	45,361	16,110	3,062,947	12,870,255	44,886	93,060	2,428,783	1,319
1888.....	1,602,586	87,277	24,707	2,410,381	11,887,027	44,232	66,254	2,519,494	45
1889.....	2,242,214	48,279	21,589	3,259,917	15,319,862	23,632	73,589	1,951,104	1,842
1890.....	2,756,385	20,310	965	4,542,845	17,806,612	32,690	41,840	2,198,538	1,254
1891.....	2,951,547	96,166	662	4,579,868	18,671,536	14,637	28,389	2,610,918	4,836
1892.....	3,129,123	74,801	14,412	4,321,168	18,909,462	10,701	17,665	3,049,771	12,495
1893.....	3,272,899	97,070	5,958	5,521,202	19,770,559	13,516	17,343	4,884,577	3,823
1894.....	2,286,188	100,778	2,998	3,268,637	13,571,441	21,126	6,731	5,476,521	11,213
1895.....	2,068,575	189,173	886	3,738,703	11,472,052	22,098	3,925	5,802,811	4,299
1896.....	2,103,602	49,090	1,748	2,955,833	13,497,689	16,313	2,420	5,398,965	3,923

THE CONSUMPTION OF LIQUORS.

The total production of liquors in the country is not, of course, the same as the consumption. Large quantities of the liquors produced are exported every year, and of the exports considerable is returned. There are, in addition, large quantities imported for consumption. The quantity of distilled spirits withdrawn from bond for consumption for any year may be less or more than the production for the same year. The Bureau of Statistics of the Treasury Department has for a number of years published a table giving the total and per capita consumption of distilled spirits, wines, and malt liquors. The facts for certain years from 1840 to 1896 are reported from this table in the following statement:

GALLONS OF DISTILLED SPIRITS, WINES, AND MALT LIQUORS CONSUMED IN THE UNITED STATES, 1840 TO 1896.

[From the reports of the Bureau of Statistics of the Treasury Department.]

Year ending June 30—	Distilled spirits. (*a*)				Wines.		
	Domestic.		Imported.	Total.	Domestic. (*b*)	Imported.	Total.
	From fruit.	All other.					
1840	(*c*)	40,378,090	2,682,794	43,060,884	124,734	4,748,362	4,873,096
1850	(*c*)	46,768,083	5,065,390	51,833,473	221,249	6,094,622	6,315,871
1860	(*c*)	83,904,258	6,064,393	89,968,651	1,860,008	9,199,133	11,059,141
1870	1,223,830	77,266,368	1,405,510	79,895,708	3,059,518	9,165,549	12,225,067
1880	1,005,781	61,126,634	1,394,279	63,526,694	23,298,940	5,030,601	28,329,541
1885	1,468,775	67,689,250	1,442,067	70,600,092	17,404,698	4,495,759	21,900,457
1886	*d*1,555,994	*d*69,295,361	1,410,259	72,261,614	20,866,393	4,700,827	25,567,220
1887	*d*1,211,532	*d*68,385,504	1,467,697	71,064,733	27,706,771	4,618,290	32,325,061
1888	*d*888,107	*d*73,313,279	1,643,966	75,845,352	31,680,523	4,654,545	36,335,068
1889	*d*1,294,858	*d*77,802,483	1,515,817	80,613,158	29,610,104	4,534,373	34,144,477
1890	*d*1,508,130	*d*84,760,240	1,561,192	87,829,562	23,896,108	5,060,873	28,956,981
1891	*d*1,219,436	*d*88,335,483	1,602,646	91,157,565	23,736,232	5,297,560	29,033,792
1892	*d*1,961,062	*d*95,187,385	1,179,671	98,328,118	23,033,493	5,434,367	28,467,860
1893	*d*1,687,541	*d*98,202,790	1,307,422	101,197,753	26,391,235	5,596,584	31,987,819
1894	*d*1,430,553	*d*88,046,771	1,063,885	90,541,209	18,040,385	3,252,739	21,293,124
1895	*d*1,102,703	*d*75,228,998	1,496,860	77,828,561	16,589,657	3,054,392	19,644,049
1896	*d*1,440,810	*d*68,069,563	1,541,504	71,051,877	14,599,757	4,101,649	18,701,406

Year ending June 30—	Malt liquors.			Total consumption of wines and liquors.	Consumption per capita.			
	Domestic. (*b*)	Imported.	Total.		Distilled spirits. (*a*)	Wines.	Malt liquors.	All liquors and wines.
1840	23,162,571	148,272	23,310,843	71,244,823	2.52	0.29	1.36	4.17
1850	36,361,708	201,301	36,563,009	94,712,353	2.23	.27	1.58	4.08
1860	100,225,879	1,120,790	101,346,669	202,374,461	2.86	.35	3.22	6.43
1870	203,743,401	1,012,755	204,756,156	296,876,931	2.07	.32	5.31	7.70
1880	413,208,885	1,011,280	414,220,165	506,076,400	1.27	.56	8.26	10.09
1885	594,063,095	2,068,771	596,131,866	688,632,415	1.26	.39	10.61	12.26
1886	640,746,288	2,221,432	642,967,720	740,796,554	1.26	.44	11.20	12.90
1887	715,446,038	2,302,816	717,748,854	821,138,648	1.21	.55	12.23	13.99
1888	765,086,789	2,500,267	767,587,056	879,767,476	1.26	.61	12.80	14.67
1889	777,420,207	2,477,219	779,897,426	894,655,061	1.32	.56	12.72	14.60
1890	853,075,734	2,716,601	855,792,335	972,578,878	1.40	.46	13.67	15.53
1891	974,427,863	3,051,898	977,479,761	1,097,671,118	1.42	.45	15.28	17.15
1892	984,515,414	2,980,809	987,496,223	1,114,292,201	1.50	.44	15.10	17.04
1893	1,071,183,827	3,362,509	1,074,546,336	1,207,731,908	1.51	.48	16.08	18.07
1894	1,033,378,273	2,940,949	1,036,319,222	1,148,153,555	1.33	.31	15.18	16.82
1895	1,040,259,039	3,033,067	1,043,292,106	1,140,764,716	1.12	.28	14.95	16.35
1896	1,077,325,634	3,300,531	1,080,626,165	1,170,379,448	1.00	.26	15.16	16.42

a Proof gallons.
b Product less exports.
c Included with "All other."
d Includes domestic spirits exported and returned.

The preceding table shows that the total quantity of distilled spirits of all kinds consumed in the United States during the year ending June 30, 1896, was 71,051,877 proof gallons; of wines, 18,701,406 gallons, and of malt liquors of all kinds, 1,080,626,165 gallons; a total of all kinds of liquors of 1,170,379,448 gallons.

To reach an understanding of the actual growth in the use of liquors the per capita consumption must be studied. This also is given in the preceding table. In the per capita consumption of both distilled spirits and wines a marked though irregular decrease is shown, while an increase quite as marked is shown in the case of malt liquors. The consumption of distilled spirits per capita, shown to have been 2.52 proof gallons in 1840, had declined to 1 proof gallon in 1896. For wines, the figures were 0.29 gallon in 1840 and 0.26 gallon in 1896. Malt liquors, which showed a per capita consumption of 1.36 gallons in 1840, had risen to 15.16 gallons in 1896, while for all liquors the consumption had increased from 4.17 gallons in 1840 to 16.42 gallons in 1896.

The quantities shown in the preceding table include liquors consumed for all purposes, not only as a beverage, but in the arts, manufactures, and medicine. At the Eleventh Census an investigation was made to ascertain the quantity of distilled spirits consumed in the arts, manufactures, and medicine. Inquiry was made of manufacturers and wholesale druggists, eleemosynary institutions, and retail apothecaries. The number of proof gallons of distilled spirits consumed in the arts, manufactures, and medicine, as disclosed by this investigation, is shown in the following table:

PROOF GALLONS OF DISTILLED SPIRITS CONSUMED IN THE ARTS, MANUFACTURES, AND MEDICINE FOR THE YEAR ENDING DECEMBER 31, 1889.

[The facts are from returns made to the Eleventh Census by manufacturers, wholesale druggists, eleemosynary institutions, and retail apothecaries.]

Returns received from—	Alcohol.	Cologne spirits.	High wines.	Whisky.	Brandy.	Rum.	Gin.	Total.
Manufacturers and wholesale druggists	5,425,791	1,334,033	54,737	879,282	100,482	87,378	84,937	7,966,640
Eleemosynary institutions	30,092	4,374	883	59,222	6,599	841	779	102,790
Retail apothecaries	1,289,269	114,641	20,372	1,085,396	159,793	101,362	136,579	2,907,412
Total	6,745,152	1,453,048	75,992	2,023,900	266,874	189,581	222,295	10,976,842

This table shows the total consumption of distilled spirits in the arts, manufactures, and medicine during the year ending December 31, 1889, to have been 10,976,842 proof gallons. Of this amount about three-fourths, or 7,966,640 proof gallons, was used by manufacturers and wholesale druggists, 2,907,412 proof gallons by retail apothecaries, and the remainder, 102,790 proof gallons, by eleemosynary institutions.

The total consumption for all purposes of distilled spirits, wines, and malt liquors of all kinds during the year ending June 30, 1889, as

shown in the table on page 518, was 894,655,061 gallons. If it be desired to obtain the quantity used strictly as a beverage, there should be deducted from the above total the quantity used in the arts, manufactures, and medicine. So far as distilled spirits are concerned this amount was shown in the table immediately preceding to have been for the year ending December 31, 1889, 10,976,842 proof gallons, and may be assumed to have been approximately the same for the year ending June 30. This, deducted from the total given above, leaves 883,678,219 gallons as the amount of all kinds of liquors consumed as a beverage. If the same deduction be made from the total quantity of distilled spirits consumed, viz, 80,613,158 proof gallons, it will be found that the quantity used as a beverage was, for the year ending June 30, 1889, 69,636,316 proof gallons.

The quantity given above as the consumption in the arts, manufactures, and medicine represents, it should be noted, distilled liquors only, no account being made of wines and malt liquors which have quite extensive use in medicine, though not in the arts and manufactures. The census investigation referred to did not extend to wines and malt liquors, and no figures are available even to form an estimate.

It appears that there were 4,197,938 gallons of liquors of domestic manufacture exported during the year ending June 30, 1896, and 1,029,653 gallons of distilled spirits of domestic manufacture that had been exported and returned as imports, and 5,454 gallons of the same class of spirits reexported after having been exported and returned. There were also 8,973,300 gallons of liquors of foreign manufacture imported, and 131,354 gallons of liquors of foreign manufacture exported.

THE TRAFFIC IN LIQUORS.

In regard to the traffic in liquors, practically all the facts presented in the Twelfth Annual Report were obtained as the result of the special investigation made by the Department. The inquiries which were made by the Department were directed to ascertain the number of establishments engaged in buying and selling liquors, whether used as a beverage or otherwise, the capital invested, taxes and rent paid, the number of persons engaged in the business, etc. The number of persons or firms engaged in the manufacture and sale of liquors and reported by the Commissioner of Internal Revenue as "special-tax payers" and distillers was used as the basis for this investigation. According to the report of the Commissioner of Internal Revenue for the year ending June 30, 1896, there were in the United States 237,165 (*a*) such special-tax payers and distillers returned by the collectors of the several collection districts. This includes 1,855 rectifiers, 204,294

a A complete canvass of the State of Delaware by the agents of the Department showed the existence of 70 more special-tax stamps than stated in the report of the Commissioner of Internal Revenue. This would raise the total to 237,235.

retail liquor dealers, 4,648 wholesale liquor dealers, 1,866 brewers, 12,064 retail dealers in malt liquors, and 5,749 wholesale dealers in malt liquors engaged in the liquor business for different periods of time during the year, varying from one month to twelve months each. The number of distilleries registered was 6,689, of which 6,187 were in operation at some time during the year.

The following examples indicate how this count of the persons or firms engaged in the liquor business is made. If a person or firm pays the special internal-revenue tax as a rectifier and also as a wholesale and as a retail dealer, such person or firm is counted under each of these classes and appears three times in the total. If an individual pays the tax as a wholesale and also as a retail liquor dealer he is included in both classes and counted twice in the total. If a brewer pays in addition to his brewer's tax the tax as a dealer of one or more of the classes designated he is included twice or even three or four times in the total. If the proprietorship of a brewery or a saloon passes to three or four firms or individuals during the year each successive proprietor is recorded as another special-tax payer, and the same place of business would be included three or four times in the total. If a distiller pays also the tax as a retail dealer he is included twice in the total. It is evident, therefore, that the total of 237,235 special-tax payers and distillers does not represent the number of the different places of business engaged in the manufacture and sale of liquors.

There are very few, if any, establishments now engaged in rectifying liquors as a distinct business. Rectifying is done almost entirely as an adjunct to the manufacture or traffic in liquors. As the rectifiers reported are those who carry on the business in connection with buying and selling, they are for the purpose of this report treated as dealers.

Excluding from the 237,235 special-tax payers and distillers the 6,689 registered distilleries and the 1,866 breweries, the remaining 228,680 may be considered as the total number of internal-revenue special tax stamps issued to liquor dealers. But the above breweries and distilleries held a large number of stamps obtained for the purpose of carrying on business as liquor dealers. Stamps issued for traffic at points distant from the brewery or distillery have been counted as dealers. When the traffic was carried on at or adjacent to the brewery or distillery, the business was considered as representing a part of the business of the manufacturing plant. It was not possible in such cases to separate the facts relating to the traffic from those relating to manufacture, and therefore no attempt has been made to include such establishments under this head. Deducting, then, the brewers' and distillers' stamps as dealers, omitted as above, 3,648 in number, according to information obtained from the collectors of internal revenue, the whole number of special-tax stamps issued to dealers of the classes covered by this investigation is found to be 225,032.

In order to eliminate the duplications from the total of 225,032 internal-revenue special-tax stamps issued to dealers in liquors and ascertain the number of actual places of business, it was necessary to copy from the records of the different collectors of internal revenue the names and addresses of each person or firm representing each special-tax stamp issued. These names were then assorted so as to bring together all the special-tax stamps for each place of business. The names and addresses were then placed in the hands of special agents of this Department who secured the desired statistical information. It was impracticable to canvass in this manner the entire 225,032 "special-tax payers;" therefore the following internal-revenue collection districts, comprehending about one-fourth of the total number of persons or firms in the whole country paying the internal-revenue tax as liquor dealers, were selected as being representative: First district of California; Connecticut district, which includes the States of Connecticut and Rhode Island; first district of Illinois; third district of Iowa; Louisiana district, which includes the States of Louisiana and Mississippi; Maryland district, which includes the States of Maryland and Delaware, the District of Columbia, and two counties of Virginia; twenty-eighth district of New York; first district of Ohio; fifth district of Tennessee; second district of Virginia, and the first district of Wisconsin.

While the above districts were selected as being representative, as far as possible, of the entire country, the names of the special-tax payers were not selected, but were taken in alphabetical order as they appeared on the books of the collectors, thus securing a thorough distribution of the establishments.

The only establishments from which data were not secured were those few refusing information, those in localities where prohibition laws prevailed, and those not accessible by railroad or other mode of public conveyance. In addition several districts were not completely canvassed, because a lack of time and money made it necessary to bring the investigation to an end before this could be done.

The statement following shows the total number of internal-revenue special-tax stamps issued to liquor dealers in the States or districts covered by the investigation and the number and per cent actually canvassed by the agents of the Department. This, for reasons already explained, does not include stamps issued to breweries and distilleries for traffic as dealers at or adjacent to the brewery or distillery. It appears from this statement that 40,774 persons or firms paying the internal-revenue tax as liquor dealers were canvassed. Considering the districts taken up, 64.17 per cent of all such special-tax payers were visited by the agents of the Department and reports submitted in regard to them.

TOTAL INTERNAL-REVENUE SPECIAL-TAX STAMPS ISSUED TO LIQUOR DEALERS AND NUMBER AND PER CENT CANVASSED IN THE DISTRICTS COVERED, 1896.

States or collection districts canvassed.	Special-tax stamps.		
	Issued.	Canvassed.	Per cent of those canvassed of the number issued.
First district of California	10,289	2,759	26.82
Connecticut	3,724	3,048	81.85
Delaware	*a* 415	*a* 415	100.00
First district of Illinois	15,026	10,248	68.20
Third district of Iowa	2,121	982	46.30
Louisiana	4,503	3,130	69.51
Maryland	5,161	4,443	86.09
Mississippi	419	125	29.83
Twenty-eighth district of New York	6,951	4,927	70.88
First district of Ohio	4,315	3,666	84.96
Rhode Island	1,899	1,631	85.89
Fifth district of Tennessee	1,387	1,089	78.51
Second district of Virginia	1,422	1,163	81.79
First district of Wisconsin	5,907	3,148	53.29
Total	63,539	40,774	64.17

a The names and addresses of those who had paid the special internal-revenue tax as liquor dealers or rectifiers were copied from the records of the collector of internal revenue and were supposed to cover all places (with the exception of breweries and distilleries) in which liquor, in any form, was sold. In the case of Delaware, the records of the collector showed 407 such special-tax payers, although the printed report of the Commissioner of Internal Revenue gives the number as 369 (including 24 stamps held by breweries and distilleries for traffic at or adjacent to the brewery or distillery). The agents of the Department obtained reports from 415 tax payers. This slight excess over the number shown by the collector's records may have been due to the issue of stamps between the time of copying the collector's records and the completion of the canvass by the agents of the Department.

The following table shows the number of special-tax stamps issued to liquor dealers canvassed in each State; the number of actual establishments found; the number of additional tax stamps held by such establishments, etc., and the per cent that the number reported for each of the classes is of the total:

SPECIAL-TAX STAMPS CANVASSED, BY STATES, 1896.

States.	Establishments.		Additional tax stamps held by establishments.		Tax stamps held by establishments that had discontinued business at time of canvass.		Tax stamps held by establishments that had no appreciable amount of capital invested in the liquor business.		Total.
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	
California	1,665	60.35	515	18.67	345	12.50	234	8.48	2,759
Connecticut	2,415	79.23	260	8.53	171	5.61	202	6.63	3,048
Delaware	305	73.49	60	14.46	22	5.30	28	6.75	415
Illinois	6,581	64.22	1,160	11.32	1,316	12.84	1,191	11.62	10,248
Iowa	611	62.22	127	12.93	96	9.78	148	15.07	982
Louisiana	2,430	77.64	246	7.86	334	10.67	120	3.83	3,130
Maryland	2,989	67.27	600	13.51	651	14.65	203	4.57	4,443
Mississippi	97	77.60	20	16.00	2	1.60	6	4.80	125
New York	3,914	79.44	307	6.23	469	9.52	237	4.81	4,927
Ohio	2,771	75.59	366	9.98	212	5.78	317	8.65	3,666
Rhode Island	1,226	75.17	122	7.48	106	6.50	177	10.85	1,631
Tennessee	872	80.07	109	10.01	46	4.23	62	5.69	1,089
Virginia	871	74.89	113	9.72	157	13.50	22	1.89	1,163
Wisconsin	2,511	79.77	259	8.23	104	3.30	274	8.70	3,148
Total	29,258	71.76	4,264	10.46	4,031	9.88	3,221	7.90	40,774

From the preceding table it appears that there were but 29,258 actual places of business from which statistical information as to capital, employees, etc., could be obtained found among the 40,774 special-tax payers canvassed. These 29,258 establishments held 4,264 additional special-tax stamps. This latter number includes, however, a large number of stamps held by persons or firms who had been bought out and succeeded by the present proprietors. Such stamps, therefore, no longer represented live businesses, but had been replaced by the stamps of the active proprietors. The establishments representing 4,031 special-tax stamps had discontinued business at the time of the canvass, and those representing 3,221 special-tax stamps had no appreciable amount of capital invested in the liquor business. Stated in percentages, 71.76 per cent of the 40,774 tax stamps represented establishments, 10.46 per cent additional tax stamps issued for those establishments either to present proprietors or their predecessors, 9.88 per cent establishments that had discontinued business, and 7.90 per cent establishments that had no appreciable amount of capital invested.

The persons or firms holding the 3,221 special-tax stamps representing places of business in which no appreciable amount of capital was invested in the liquor traffic reported the following businesses as those to which the liquor traffic was an adjunct, viz: Drug store, social club, grocery, house of ill-fame, restaurant, paints, soda water, turkish bath, theater, tobacco, gold cure, barber shop, candy, caterer, steamboat, dining car, auctioneer, boarding or lodging house, coffee saloon, ice cream, oyster dealer, photography, etc. Of the total number 171, or 5.31 per cent, were held by social clubs; 1,912, or 59.36 per cent, by druggists; 36, or 1.11 per cent, by grocers; 525, or 16.30 per cent, by keepers of houses of ill-fame, and 93, or 2.89 per cent, by keepers of restaurants. There were but a few reports for each of the other businesses; grouping them, they amount to 484, or 15.03 per cent of the total.

This Department canvassed 40,774, or 18.12 per cent, of the total number of special-tax stamps issued to dealers and rectifiers in the United States. The results of this canvass, so far as the special-tax stamps are concerned, are shown in the preceding table. To obtain figures for the whole country, the percentages given in that table for the total number of each kind of special-tax stamps canvassed were applied to the total number of special-tax stamps issued to dealers and rectifiers in each State and Territory, and on this basis estimates were made of the number of establishments, additional special-tax stamps held by establishments, special-tax stamps held by establishments that had discontinued business, and special-tax stamps held by establishments that had no appreciable amount of capital invested in the liquor traffic. The figures in detail are given in the following table. The 1,866 breweries and 6,689 distilleries shown represent the number of special-tax stamps issued to brewers and the number of registered distilleries reported by the Commissioner of Internal Revenue for the

entire country. The number of additional special-tax stamps held by breweries and distilleries as dealers for carrying on business at or adjacent to the brewery or distillery was obtained from the collectors of internal revenue for each State except Louisiana and Mississippi. For these two States estimates are given.

SPECIAL-TAX STAMPS HELD BY DEALERS AND RECTIFIERS, BREWERIES, AND DISTILLERIES, BY STATES AND TERRITORIES, FOR THE YEAR ENDING JUNE 30, 1896.

States and Territories.	Dealers and rectifiers.					Breweries.			Distilleries.			Aggregate.
	Establishments. (a)	Additional stamps held by establishments. (a)	Stamps held by establishments out of business. (a)	Stamps held by establishments with no appreciable capital invested in liquor business. (a)	Total.	No.	Additional stamps as dealers.	Total.	No.	Additional stamps as dealers.	Total.	
Ala	725	105	100	80	1,010	4	4	8	274	23	297	1,315
Alaska	80	11	11	9	111	8	8	16	.....	.....	.....	127
Ariz	473	69	65	52	659	2	2	4	3	1	4	667
Ark	486	71	67	53	677	.....	.....	.....	93	45	138	815
Cal	9,717	1,416	1,339	1,670	13,542	145	74	219	237	125	362	14,123
Colo	1,885	275	260	207	2,627	18	17	35	2	2	4	2,666
Conn	2,672	390	368	294	3,724	22	16	38	33	21	54	3,816
Del	305	60	22	28	*b* 415	5	4	9	34	20	54	*b* 478
D. C	811	118	112	89	1,130	7	7	14	.....	.....	.....	1,144
Fla	375	55	52	41	523	.....	.....	.....	.....	.....	.....	523
Ga	1,215	177	167	134	1,693	5	9	14	419	38	457	2,164
Idaho	431	63	59	47	600	18	3	21	2	.....	2	623
Ill	14,980	2,183	2,064	1,649	20,876	138	149	287	35	10	45	21,208
Ind	6,049	882	833	666	8,430	48	42	90	51	27	78	8,598
Ind. T	76	11	11	8	106	.....	.....	.....	.....	.....	.....	106
Iowa	3,258	475	449	359	4,541	24	21	45	2	1	3	4,589
Kans	1,764	257	243	194	2,458	2	2	4	1	2	3	2,465
Ky	3,072	448	423	338	4,281	28	22	50	814	323	1,137	5,468
La	3,231	471	445	356	4,503	7	*a* 7	14	24	*a* 9	33	4,550
Me	822	120	113	90	1,145	.....	.....	.....	.....	.....	.....	1,145
Md	3,703	540	510	408	5,161	28	36	64	45	36	81	5,306
Mass	3,690	538	509	406	5,143	40	42	82	11	4	15	5,240
Mich	4,791	698	660	527	6,676	103	123	226	.....	.....	.....	6,902
Minn	3,472	506	479	382	4,839	102	93	195	2	.....	2	5,036
Miss	301	44	41	33	419	.....	.....	.....	5	*a* 2	7	426
Mo	6,015	877	829	662	8,383	48	88	136	140	42	182	8,701
Mont	1,289	188	178	142	1,797	22	19	41	.....	.....	.....	1,838
Nebr	1,603	234	221	176	2,234	23	22	45	3	.....	3	2,282
Nev	364	53	50	40	507	8	5	13	.....	.....	.....	520
N. H	1,127	164	156	124	1,571	7	4	11	1	2	3	1,585
N. J	6,619	965	912	729	9,225	52	36	88	65	56	121	9,434
N. Mex	352	51	48	39	490	6	8	14	12	8	20	524
N. Y	30,009	4,373	4,135	3,304	41,821	283	167	450	43	29	72	42,343
N. C	874	127	121	96	1,218	1	.....	1	2,048	290	2,338	3,557
N. Dak	576	84	79	63	802	1	.....	1	.....	.....	.....	803
Ohio	12,022	1,752	1,656	1,324	16,754	137	171	308	71	23	94	17,156
Okla	306	44	42	34	426	.....	.....	.....	2	2	4	430
Oreg	996	145	137	110	1,388	28	31	59	17	7	24	1,471
Pa	11,378	1,658	1,568	1,253	15,857	241	210	451	137	81	218	16,526
R. I	1,363	198	188	150	1,899	5	4	9	.....	.....	.....	1,908
S. C	369	45	43	34	431	2	4	6	86	1	87	524
S. Dak	879	128	121	97	1,225	6	4	10	.....	.....	.....	1,235
Tenn	1,277	186	176	140	1,779	4	8	12	322	31	353	2,144
Tex	4,166	607	574	459	5,806	11	16	27	46	6	52	5,885
Utah	294	43	41	32	410	8	5	13	.....	.....	.....	423
Vt	559	81	77	62	779	.....	.....	.....	1	.....	1	780
Va	1,663	243	229	183	2,318	4	8	12	1,567	632	2,199	4,529
Wash	949	138	131	104	1,322	29	33	62	2	.....	2	1,386
W. Va	1,003	146	138	111	1,398	6	14	20	34	35	69	1,487
Wis	6,808	992	938	749	9,487	177	167	344	5	7	12	9,843
Wyo	299	43	41	33	416	3	2	5	....	.....	.....	421
Total	161,483	23,548	22,231	17,770	225,032	1,866	1,707	3,573	6,689	1,941	8,630	237,235

a Estimated.

b See note *a*, page 528.

From the preceding table it appears that if the estimate for each State be based on percentages computed from the total number (40,774) of internal-revenue special-tax payers canvassed, there were 161,483 establishments in the United States actually engaged in the liquor traffic at the time of the canvass, and these establishments represented 23,548 additional tax stamps issued to present proprietors or their predecessors, making a total of 185,031 special-tax stamps held by establishments, being 82.22 per cent of the total number issued to dealers and rectifiers representing 161,483 separate places of business. The number of persons or firms that had paid the tax but had discontinued business at the time of the canvass is estimated at 22,231, or 9.88 per cent, and the number of persons or firms that had paid the tax but had no appreciable amount of capital invested in the liquor business at 17,770, or 7.90 per cent of the total. Of this latter number it is estimated that 944 of the special-tax payers were social clubs, 10,548 druggists, 197 grocers, 2,897 keepers of houses of ill-fame, 513 keepers of restaurants, and 2,671 persons and firms engaged in business of a miscellaneous character.

The table on page 523 shows that out of the whole number of internal-revenue special-tax payers (40,774) canvassed by the agents of the Department, 29,258 separate establishments were found engaged in the traffic in liquors. The important facts concerning these establishments are those relating to the capital invested in the business, both owned and rented, the taxes and rents paid, the number of proprietors and employees engaged in the business, etc. Returns covering all of these points were received from every establishment, and are presented in a series of general tables in the Twelfth Annual Report. The analysis of such of the general tables as relate to the above-mentioned facts follows:

Table I.—Capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic, by localities, for the year ending June 30, 1896.—This table shows the total for each city in which there were 100 or more special-tax payers (liquor dealers and rectifiers), all other localities being combined and designated as "rural." The total is also shown for all the localities in each State. It must be borne in mind, however, that these State totals represent only such parts of the State as were covered by the canvass, as has already been fully explained.

Under employees were reported, first, the average number employed in or connected with the liquor traffic. For instance, clerks in a grocery store or waiters in a dining room or hotel in which liquors were sold were reported if they, during any part of the time, were engaged in selling or serving liquors; members of the family employed but who received no wages were also reported. The object was to ascertain the average number of employees that were in any way connected with the sale of liquor.

Second, in cases where the liquor traffic was carried on in connection with other business, such as a grocery, drug store, or hotel, the pro-

portion of the entire number of employees necessary if employed full time to carry on that portion of the business that pertained exclusively to the liquor traffic was reported.

In this table, as well as in Tables II, III, IV, and V of the Twelfth Annual Report, which are summaries of Table I, the facts presented relate only to the purchase and sale of liquors. If an establishment was engaged in other business in conjunction with the liquor traffic, the amount of capital and the other information secured related to the liquor traffic only. The object of the investigation was to ascertain the volume of the liquor traffic as distinct from all other business. For instance, if the liquor traffic was carried on in connection with the grocery business the capital reported would be that portion of the land and buildings considered as essential to the liquor traffic only and the fixtures and sundry items that pertained exclusively to that traffic; the rent and taxes reported are the rent and taxes paid on this proportion of the entire capital. The number of proprietors and firm members reported were those who could be considered as actively engaged in the liquor traffic or its supervision. The facts are presented in this table and its summaries so as to show separately establishments engaged exclusively in the liquor traffic and those engaged in the traffic in connection with some other business. Thus establishments are grouped in six classes, according to character of business, as follows: Retail liquor only, retail liquor and other trade, wholesale liquor only, wholesale liquor and other trade, retail and wholesale liquor, and retail and wholesale liquor and other trade.

Table II.—Summary of capital invested, taxes and rent paid, and persons in each State engaged in each class of liquor traffic, for the year ending June 30, 1896.—The details presented in the preceding table are here summarized for each State canvassed, the grouping into the six classes according to character of business being preserved.

Table III.—Summary of capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic, by States, for the year ending June 30, 1896.—This table brings together the facts for each of the six classes of business, showing for each class the total for all States combined, so far as canvassed.

Table IV.—Summary of capital invested, taxes and rent paid, and persons engaged in the liquor traffic, by States, for the year ending June 30, 1896.—This table brings together the State totals, showing the facts for the 29,258 establishments canvassed. The table shows that the 29,258 establishments had capital to the value of $173,421,799 invested exclusively in the liquor traffic. Of this capital $74,681,656, or 43.06 per cent, was owned and $98,740,143, or 56.94 per cent, rented. The value of the land and buildings owned and rented amounted to $125,788,971, or 72.53 per cent of the total. The total value of fixtures owned and rented amounted to $10,933,587, or 6.31 per cent of the total. The sundry items of capital, such as stock and cash on hand, bills receivable,

and unsettled ledger accounts, amounted to $36,699,241, or 21.16 per cent of the total capital. This table also shows that the 29,258 establishments paid yearly taxes amounting to $1,534,346 on the land and buildings and $291,096 on the fixtures and other items of personal property devoted exclusively to the liquor traffic. These taxes are the general tax assessed on all real and personal property. They do not include licenses or special taxes imposed on the liquor business as such. The total, $1,825,442, must not be accepted as the amount that would be collected at a given rate of taxation on the value shown for land and buildings and fixtures. In many cases the values were so small that a tax was not collected. In the State of Delaware, and possibly in other localities, no tax is levied by the State, county, or cities on fixtures in saloons. In the city of Chicago comparatively few liquor dealers reported taxes paid on personal property, the amount paid for license apparently being accepted as a sufficient tax on property of that character. Therefore the rate of taxation for the United States or for any particular State or locality can not be computed from these totals.

The amount paid as rent during the year is reported as $9,288,439. This is the total amount that would have been received if rent was actually paid for the entire time that the rented properties were used for the liquor traffic. In cases where the person occupying the premises at the time of the canvass had not been in possession for the entire year the amount of rent paid by him was reported, and it was also ascertained how long the premises had been used for the liquor business during the year; the amount paid by the former occupants was then estimated. The total, therefore, is only the rent charged to the premises or that portion of the premises used for the liquor traffic during that part of the year that they were used for that purpose. In many cases the premises were used for other business or were idle during a part of the twelve months, therefore the amount reported as rent can not be used to compute the per cent of return for rented property used in the liquor traffic.

The 29,258 establishments canvassed were controlled by 34,700 firm members and individual proprietors, of whom 33,017, or 95.15 per cent, were males, and 1,683, or 4.85 per cent, were females. The average number of employees who were engaged a portion of their time at least in connection with the liquor traffic was 43,802, of whom 37,984, or 86.72 per cent, were males, and 5,818, or 13.28 per cent, were females. If these employees had devoted their time to the liquor traffic exclusively, it would have required 31,332 persons to carry on the liquor business of the 29,258 establishments.

There were, according to the estimate based on the canvass of 40,774 special-tax payers, and already shown in the table on page 525, 161,483 establishments in the whole country engaged in the liquor traffic at the time of the canvass made by this Department during the year 1896. It

is also estimated that there were 22,231 special-tax payers who had evidently been engaged in the liquor traffic at some time during the year, but who had discontinued the business at the time the special agent called to secure a report. As the special object of this branch of the investigation was to ascertain the capital, employees, etc., of establishments engaged in the liquor traffic at any one time, those that had discontinued business should not be considered in this connection. There is a certain amount of capital invested in the liquor traffic by the persons or firms represented by the 17,770 special-tax payers estimated as having no appreciable capital invested in the liquor business. This amount, while perhaps considerable in the aggregate, could not materially affect the total, and as there appears to be no reliable method of estimating the amount so invested it has not been considered.

There is also a certain amount of capital that could be considered as invested in the liquor traffic by the 1,866 breweries and 6,689 distilleries, as these breweries and distilleries held 3,648 special tax stamps as dealers. These tax stamps were obtained for the purpose of carrying on the traffic at or adjacent to the brewery or distillery, and the capital invested in such traffic would naturally be considered as representing a part of the investment in the manufacturing plant, and it is supposed to have been so reported and is included in statistics for "Production." It was impracticable to make a separation of such capital so as to show the amount invested exclusively in the traffic in liquors.

Special-tax stamps issued to brewers and distillers for traffic at points distant from the brewery or distillery have been counted as dealers.

It is impracticable to give estimates of the capital, employees, etc., representing the liquor traffic in each State and Territory. Such estimates would have to be based on average conditions for all the States canvassed and would not correctly represent the individual States and Territories where widely varying conditions are known to exist. This may be seen by an examination of Table IV. But the facts given in Table IV, covering as they do a canvass of parts of 14 States and including nearly one-fifth of the entire number of establishments in the country, are believed to be fairly representative of the whole country. And it is believed that an estimate for the 161,483 establishments in the whole country, if based on an average of the facts shown in Table IV, will be substantially accurate. Estimates have thus been made.

For the year ending June 30, 1896, the capital invested exclusively in the liquor traffic by the 161,483 establishments, as estimated by the method just described, was $957,162,907. Of this amount $412,183,729, or 43.06 per cent, represented the value of land and buildings, fixtures, and other properties owned by the persons or firms carrying on the liquor traffic, and $544,974,178, or 56.94 per cent, the value of the property rented by them. The estimated annual taxes paid on the property was $10,075,120, and the rent paid on the rented property $51,265,465. For the reason heretofore given the estimated amount of taxes should

not be used as a basis to estimate the rate of taxation, or the estimated rent as the basis to ascertain the per cent of return on rented property used in the liquor traffic. All of these values pertain exclusively to the liquor traffic and not to any other business that may be conducted by the different establishments. The estimated number of proprietors or firm members engaged in the liquor traffic was 191,519 and the employees 241,755. If the employees had devoted their entire time to the liquor traffic, it is estimated that it would have required 172,931 to carry on the business of the 161,483 establishments.

Table V.—Summary of capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic for the year ending June 30, 1896.—This table summarizes, by classes of business, the facts for the whole number of establishments. From this it appears that of the 29,258 places of business for which reports were secured 20,282, or 69.32 per cent, were engaged exclusively in the retail liquor traffic; 7,552, or 25.81 per cent, in the retail liquor traffic combined with some other business; 214, or 0.73 per cent, in the wholesale liquor traffic exclusively; 37, or 0.13 per cent in the wholesale liquor traffic combined with some other business; 985, or 3.37 per cent, in the retail and wholesale liquor traffic; and 188, or 0.64 per cent, in the retail and wholesale liquor traffic combined with some other business.

Turning to capital, it appears that of the aggregate, $173,421,799, the retail liquor trade exclusively had $102,470,580, or 59.09 per cent; retail liquor in combination with other business had $26,740,403, or 15.42 per cent; wholesale liquor exclusively, $8,491,488, or 4.90 per cent; wholesale liquor in combination with other business, $395,451, or 0.23 per cent; retail and wholesale liquor, $29,729,197, or 17.14 per cent; and retail and wholesale liquor in combination with other business, $5,594,680, or 3.22 per cent.

Table VI.—Establishments engaged in the liquor traffic in connection with other business, arranged according to per cent of liquor traffic of total business, for each State, by character of business, for the year ending June 30, 1896.—Establishments engaged in the liquor traffic in connection with some other business are in this table grouped according to such business and according to the per cent that liquor traffic is of the total business. In order to ascertain the proportion that the liquor traffic was of the entire business of those establishments in which it was carried on in connection with other business the following question was asked: "What proportion of the entire business of all kinds, for the year, is represented by the liquor traffic?" The replies submitted in answer to this question are presented in this table.

Table VII.—Summary of establishments engaged in the liquor traffic in connection with other business, arranged according to per cent of liquor traffic of total business, by character of business, for the year ending June 30, 1896.—This table is a summary of the preceding by character of business, combining the various States canvassed.

In Table VI the establishments engaged in the different classes of business reported as being carried on in connection with the liquor traffic are arranged so as to show for each State and each class of business the number of establishments having a specified percentage of their entire business devoted to the liquor traffic. Table VII shows similar facts for all the establishments canvassed in each class of business. These tables indicate, for the establishments canvassed, whether the liquor traffic forms the major or minor portion of the business of the establishments in which it is conducted in connection with other business.

Of the 29,258 establishments canvassed 7,777, or 26.58 per cent, reported that the liquor traffic was carried on in connection with other business. The twelve classes of business shown to have been conducted in connection with the liquor traffic are in some instances combinations of distinct pursuits; for instance, the class "bakeries and confectioneries" includes "bakeries" or "confectioneries" as well as "bakeries and confectioneries;" the class "pleasure resorts" includes museums, music halls, summer gardens, and theaters. The grocery business appears most frequently in connection with the liquor trade, 3,078 establishments being reported. Next come hotels and boarding and lodging houses, 2,117 establishments, and drug stores, 1,066 establishments. By reference to Table VII it appears that 3,763 establishments, or 48.39 per cent of the 7,777, reported that the liquor traffic formed 50 per cent or more of the entire yearly business of the establishments. Of the 3,078 groceries in which the liquor traffic was carried on, 1,414, or 45.94 per cent, reported that the liquor traffic represented 50 per cent or more of their entire annual business, and of the 2,117 hotels and boarding and lodging houses reporting, 1,528, or 72.18 per cent, reported that the liquor traffic formed 50 per cent or more of their entire business. As previously explained, the capital invested and other statistical information reported by these 7,777 establishments related exclusively to the liquor traffic.

Table VIII.—Establishments occupying rented property engaged in each class of liquor traffic, by localities, for the year ending June 30, 1896.—This table shows the establishments occupying rented property in detail for each city in which there were 100 or more special-tax payers, all other localities being combined and designated as "rural." The totals are also shown for all the localities in each State so far as canvassed.

Table IX.—Summary of establishments occupying rented property engaged in each class of liquor traffic, by States, for the year ending June 30, 1896.—This table summarizes the preceding, bringing all the State totals together. The great extent to which rented property is used in the liquor traffic is shown. It appears that of the 20,093 establishments occupying rented property 15,458, or 76.93 per cent, were engaged in the liquor traffic only, while 4,635, or 23.07 per cent, were engaged in some other business in combination with the liquor traffic.

The following table shows, by States, the number of establishments engaged in the retail, wholesale, and retail and wholesale liquor traffic, respectively, and the number and percentage in each class that occupied rented property. In this table the establishments engaged exclusively in the liquor traffic and those engaged in the traffic in connection with other business have been combined.

ESTABLISHMENTS CANVASSED AND NUMBER AND PER CENT OCCUPYING RENTED PROPERTY, 1896.

States.	Retail.			Wholesale.			Retail and wholesale.			Aggregate.		
	Total.	Renting.		Total.	Renting.		Total.	Renting.		Total.	Renting.	
		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.
California	1,479	1,443	97.56	60	50	83.33	126	120	95.23	1,665	1,613	96.88
Connecticut	2,239	1,570	70.12	10	7	70.00	166	96	57.83	2,415	1,673	69.28
Delaware	293	174	59.39	1	1	100.00	11	6	54.55	305	181	59.34
Illinois	6,340	4,720	74.45	19	15	78.95	222	149	67.12	6,581	4,884	74.21
Iowa	542	314	57.93	10	3	30.00	59	27	45.76	611	344	56.30
Louisiana	2,334	1,478	63.32	23	17	73.91	73	44	60.27	2,430	1,539	63.33
Maryland	2,872	2,240	77.99	8	5	62.50	109	79	72.48	2,989	2,324	77.75
Mississippi	80	46	57.50	5	2	40.00	12	7	58.33	97	55	56.70
New York	3,770	1,998	53.00	20	6	30.00	124	62	50.00	3,914	2,066	52.78
Ohio	2,636	1,872	71.02	53	43	81.13	82	65	79.27	2,771	1,980	71.45
Rhode Island	1,158	803	69.34	5	3	60.00	63	46	73.02	1,226	852	69.49
Tennessee	829	559	67.43	16	8	50.00	27	20	74.07	872	587	67.32
Virginia	834	553	66.31	5	3	60.00	32	18	56.25	871	574	65.90
Wisconsin	2,428	1,375	56.63	16	7	43.75	67	39	58.21	2,511	1,421	56.59
Total	27,834	19,145	68.78	251	170	67.73	1,173	778	66.33	29,258	20,093	68.68

This statement shows that out of the entire 29,258 establishments canvassed 20,093, or 68.68 per cent, were occupying rented property.

THE REVENUE FROM THE PRODUCTION OF AND THE TRAFFIC IN LIQUORS.

The revenue derived from liquor manufacture and traffic consists of the general tax levied on real and personal property employed in such manufacture and traffic; the United States internal-revenue tax; the customs duties on imported liquors; the license fees or special taxes collected under authority of the States, counties, and municipalities; and the fines collected from violators of the internal-revenue laws and of the laws of the States, counties, and municipalities controlling the manufacture and traffic.

The annual amount derived from the tax on real and personal property owned by persons and firms engaged in the manufacture of liquors is estimated at $1,225,805.85, and the tax on real and personal property occupied by persons and firms engaged in the liquor traffic, and devoted exclusively to such traffic, as shown by such investigation, is estimated at $10,075,120. The amount of the United States internal-revenue tax is ascertained from the reports of the Commissioner of Internal Revenue. The customs duties on imported liquors are shown in the publications of the Bureau of Statistics of the Treasury Depart-

ment. In order to ascertain the facts in regard to revenue collected by States, counties, and municipalities, however, special investigation was necessary. These facts were compiled from reports furnished by State, county, and municipal officials and show the amount of revenue collected as license fees or special taxes and fines for the violation of the laws controlling the liquor business during the year ending June 30, 1896, or the most convenient fiscal year ending nearest to that date.

A complete canvass has been made of the entire country, and it is believed that reports have been secured from practically all of the political subdivisions in which revenue of this character was collected during the fiscal year of 1896.

In some States—for instance, Connecticut, Michigan, Pennsylvania, and Ohio—all the license fees or special taxes were collected by the county officials, certain proportions being paid into the State, county, and municipal treasuries. For States in which this practice prevails, the table which follows does not show the number of municipalities that receive revenue, but only the number, if any, in which the officials actually collected license fees or taxes of this character.

In Iowa the county officials collect a special tax from the liquor traffic, half of which is paid into the treasury of the municipality where the saloon is located and half into the county treasury. In addition to this tax the cities have the right to, and do, collect a special tax on the liquor traffic, the entire amount of which is paid into the city treasury. For States in which this practice prevails, the table shows the number of counties in which the officials collect a revenue, and also the number of municipalities that collect a revenue in addition to that collected under authority of the county. Therefore the table does not show the total number of municipalities that receive a revenue from this source, as in a number of States the county officials collect the revenue and pay it, or a proportion of it, to the municipalities.

Fines are collected by numerous officials. For instance, in Massachusetts they are collected by justices of the peace, the clerk, or, if no clerk, the justice of the municipal or police and district courts, the sheriff, the keeper of the jail, or the master of the house of correction. All fines collected under sentence of the superior court are paid into the county treasuries, and all collected under sentence of courts inferior thereto are paid into the town or city treasuries.

The table showing the number of counties and municipalities reporting in regard to the collection of license fees or special taxes and fines follows.

COUNTIES AND MUNICIPALITIES COLLECTING LICENSE FEES OR SPECIAL TAXES AND FINES, BY STATES AND TERRITORIES.

States and Territories.	Counties reporting the collection of—				Municipalities reporting the collection of—			
	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.
Alabama	15	21	11	19	14	52	4	18
Alaska (*a*)	.....	.....	.....	.....	.....	.....	.....	.....
Arizona	.....	11	.....	1	5	7	.....	1
Arkansas	35	17	15	8	8	13	1	7
California	.....	46	1	10	27	68	3	18
Colorado	21	28	4	3	43	95	1	15
Connecticut	.....	1	.....	7	109	1	59	1
Delaware	.....	2	.....	1	.....	.....	1	.....
District of Columbia	.....	.....	.....	1	.....	.....	.....	.....
Florida	12	27	4	2	29	30	2	9
Georgia	71	37	17	12	17	57	9	9
Idaho	.....	19	.....	2	26	9	.....	2
Illinois	51	8	35	8	149	329	16	153
Indiana	.....	50	1	41	120	224	1	54
Indian Territory (*a*)	.....	.....	.....	.....	.....	.....	.....	.....
Iowa	22	32	25	20	152	96	18	20
Kansas	50	41	5	9	286	2	88	.....
Kentucky	18	35	13	53	32	100	2	14
Louisiana	10	37	2	10	8	49	.....	6
Maine	.....	.....	16	.....	21	17	.....	1
Maryland	9	9	.....	6	8	8	.....	1
Massachusetts	.....	1	12	.....	142	59	90	65
Michigan	2	35	4	42	748	.....	20	.....
Minnesota	39	19	11	12	62	243	6	76
Mississippi	40	10	22	3	11	15	4	.....
Missouri	13	54	10	38	454	198	48	32
Montana	.....	20	.....	3	45	18	.....	5
Nebraska	75	7	2	6	162	205	5	24
Nevada	.....	14	.....	.....	.....	.....	.....	.....
New Hampshire	.....	.....	10	.....	10	16	19	9
New Jersey	.....	11	1	9	14	35	1	16
New Mexico	.....	14	.....	4	14	6	.....	2
New York (*b*)	.....	.....	.....	.....	.....	.....	.....	.....
North Carolina	17	70	1	8	31	84	1	13
North Dakota	19	14	1	6	99	.....	12	.....
Ohio	.....	74	1	13	920	.....	158	.....
Oklahoma	.....	18	.....	4	26	27	.....	5
Oregon	8	19	3	2	66	53	2	24
Pennsylvania	.....	60	.....	7	.....	.....	.....	.....
Rhode Island	2	.....	3	.....	14	24	.....	.....
South Carolina	2	23	.....	11	17	.....	4	.....
South Dakota	49	.....	3	.....	158	17	34	2
Tennessee	11	33	9	43	23	61	.....	30
Texas	51	147	6	21	58	107	.....	9
Utah	12	12	.....	3	11	25	1	15
Vermont	1	.....	13	.....	3	96	.....	.....
Virginia	8	80	1	11	59	49	2	21
Washington	7	22	.....	5	18	76	1	3
West Virginia	17	17	9	12	174	29	14	16
Wisconsin	49	.....	21	.....	463	609	5	61
Wyoming (*c*)	.....	.....	.....	.....	.....	.....	.....	.....
Total	736	1,195	292	476	4,856	3,214	632	757

a No information received except that concerning United States revenue.
b Information obtained from State report, but not in form for this tabulation. All the counties (60) in the State appear to have collected revenue for the benefit of the State and municipalities.
c Information furnished by a State official, but not in form for this tabulation.

The number of counties in which revenue was collected as shown by this table will not, in every instance, agree with the number of counties in which revenue was collected as shown by Table X, of the Twelfth Annual Report, because in some States the municipalities collect revenue for the benefit of the counties. In New Jersey the county officials collect license fees, but it is all for the benefit of the municipalities. Therefore the above table shows that in New Jersey there were 20 counties that collected license fees, while Table X shows that the counties in the

State received no revenue from license fees or special taxes. In other words, the preceding table does not show the total number of counties or municipalities that receive license fees or special taxes and fines from the liquor business, but as nearly as possible the number in which the officials collect such revenue.

No information except that concerning United States revenue was received for Alaska or Indian Territory. There were 2,771 organized counties in the United States, and excluding Wyoming there were 2,759 organized counties. The officials in 736 of these counties, or 26.68 per cent of the total, reported that no license fees or special taxes and fines were collected from the liquor business; in 1,255 counties (which include the 60 in New York), or 45.49 per cent of the total, the officials reported that license fees or special taxes had been collected, but no fines; in 292 counties, or 10.58 per cent of the total, they reported that fines had been collected, but no license fees or special taxes; while in 476 counties, or 17.25 per cent of the total, they reported that both license fees or special taxes and fines had been collected. Combining the counties that reported only one class of revenue with those that reported both, it appears that the officials in 2,023 counties, or 73.32 per cent of the total, collected a special revenue, either as license fees or fines, from the liquor traffic. The officials in 1,731 counties, or 62.74 per cent of the total, reported that license fees or special taxes had been collected from the liquor business.

In considering the municipalities it must be remembered that the term embraced all minor civil divisions within a county. In 4,856 municipalities the officials reported that no license fees or special taxes and fines were collected from the liquor business. This number includes many places that were not incorporated, and for that reason collected no revenue. This is particularly true of the municipalities in the States of Illinois, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, West Virginia, and Wisconsin. The conditions in these States were such that schedules had to be sent to a large number of municipalities in order to insure reports being secured for all places in which revenue was collected. The fact that the places were or were not incorporated could not be determined prior to sending the schedule. While, as a rule, the license fees or special taxes were collected by the county officials in Connecticut, Michigan, and Ohio, the city officials in these States could and did to some extent collect fines for violations of the laws and ordinances controlling the liquor business.

Table X.—License fees or special taxes and fines collected from the liquor business by State, county, and municipal officials, by counties, for the year ending June 30, 1896.—This table shows in detail for each State the amount of license fees or special taxes and fines collected in each county for the benefit of State, county, and municipality. These facts are in the next table brought together by States, and in addition the

amount of license fees or special taxes collected for the benefit of the United States is given.

Table XI.—License fees or special taxes and fines collected from the liquor business, by States and Territories, for the year ending June 30, 1896.—This table shows that, according to the reports received by the Department from State, county, and municipal officials, and the report of the Commissioner of Internal Revenue, the total amount collected during the year ending June 30, 1896, as a special revenue from the liquor business was $165,020,175. Of this amount the United States received $114,450,861.77, or 69.35 per cent; the States, $10,490,315.16, or 6.36 per cent; the counties, $5,389,782.81, or 3.27 per cent; the municipalities, $34,689,215.26, or 21.02 per cent. The license fees or special taxes amounted to $164,016,401.68, or 99.39 per cent of the total, and the fines to $1,003,773.32, or 0.61 per cent of the total.

The revenue shown to have been collected for the benefit of the United States is the amount reported by the Commissioner of Internal Revenue as the collections from distilled and fermented liquors. If it were desired to ascertain the net amount realized by the United States as revenue from the liquor business, it would be necessary to deduct from the above amount the cost of collection. This, for all classes of internal revenue, was $4,086,292.47. The expense that pertains to the collection of the revenue from the liquor business as distinct from that for the collection of revenue from tobacco, oleomargarine, and other sources is not reported, and it is not possible to accurately estimate it.

The Commissioner of Internal Revenue reports $184,167.44 as the net total of penalties collected during the year. This amount includes the revenue derived from the sale of confiscated liquors, some miscellaneous items, and all amounts recovered by suits for violations of the internal-revenue laws generally. It was impossible to ascertain, from the records of the Treasury Department, the portion of this total that was collected for violation of those provisions of the laws which pertain exclusively to the manufacture and sale of distilled and fermented liquors. It is probable that the larger portion, possibly two-thirds ($122,778.29), of the total penalties were collected from the liquor business. The clerks of the United States district courts in Indian Territory reported that they collected during the year from violators of the statutes controlling the liquor traffic in the Territory $1,066.67. This will make an estimated total of $123,844.96 as the annual amount derived by the United States as revenue from fines, sales of confiscated liquors, and miscellaneous items pertaining to the liquor business, but not reported as special taxes.

As a rule, the amounts indicated in Tables X and XI as having been taken from State reports are the net receipts—that is, the aggregate, less any commissions or fees that may have been allowed for collecting. In States where no fees or commissions were allowed, but a salary paid, the amounts are the gross collections. The circular sent from the

Department was designed to ascertain the total amount collected. When commissions or fees were allowed and reported separately they were apportioned among the collections for the benefit of the State, the county, or the municipalities, respectively. This was necessary in order to make, as far as possible, a uniform report, as in the majority of the counties and cities the officials were paid salaries, and it was impossible to ascertain the proportion of the total salary that was paid for collecting the revenue from the liquor business as distinct from the other miscellaneous duties performed by the same official.

In some States—for instance, New Jersey and Pennsylvania—the officials who collect the license fees are allowed a fee on each application, also fees for issuing transfers of licenses and fees to meet expenses of advertising, recording, etc. In some States these fees were retained as a part of the salary or perquisite, while in others they were paid into the county or municipal treasury. Fees of this character had evidently not been fully reported in all of the States.

The revenue derived from "druggists' licenses," under which liquor is sold on a physician's prescription or in limited quantities, is not included in this report, because it was impossible to ascertain the proportional amount of the druggist's license that should be charged to the traffic in liquors only. For the same reason licenses issued to merchants indiscriminately or according to the amount of business transacted, but not designating the liquor business as a special object of taxation, have not been included. If, however, the druggist or merchant was required to pay a license in addition to his regular druggist's or merchant's license in order to sell liquors, the amount of this additional license has been ascertained and is included in the license fees or special taxes. In the States of Kentucky and Missouri a general ad valorem tax is imposed on all stock of merchants, and in addition to this a license fee is required for the sale of liquors. The amount of this ad valorem tax collected in Kentucky for the benefit of the State during the year ending June 30, 1896, was $17,976.47. The amount collected in Missouri during the year ending December 31, 1896, for the benefit of the State and counties was $14,139.23. In these States the laws contain special provisions as to the method of collecting this tax on liquors, and the amounts here given have been taken from the State reports. The amount collected in Kentucky for the benefit of the counties and cities or in Missouri for the benefit of the cities (if any) is not shown. While there is probably a considerable revenue derived in this way from the liquor business, it can not be considered a special tax or license, and it probably has not been fully reported in response to inquiries concerning the tax paid on real and personal property. This class of revenue, therefore, is not included in this report, except to the extent given above for Kentucky and Missouri.

The inquiry concerning fines was intended to secure a report of any revenue derived especially from the liquor business that probably would

not be given in answer to inquiries concerning license fees or taxes. Therefore not only fines and costs were given in answer to this inquiry, but also amounts derived from the sale of confiscated liquors.

The Department has taken every precaution to obtain, as far as possible, a full report as to the fines collected for violations of the laws controlling the liquor business, and it is believed that for the majority of the States complete reports have been secured. In some States fines were paid into the county and municipal treasuries in lump sums, without designating the character of the offense for which the fine was imposed. In such cases, when the treasurer or accounting officer could not give the amount of fines for violations of the laws controlling the liquor business, schedules were sent to the court officials or others who were supposed to be cognizant of the character of the prosecutions. In a few States the fines collected were applied to the payment of the prosecuting attorneys' fees and other court expenses. In such cases it was difficult and sometimes impossible to ascertain the actual amount collected.

The fines shown in this report do not include those collected for drunkenness or disorderly conduct.

While it is known that in many States there was a large number of prosecutions for violations of the liquor laws, from an examination of the reports it appears that there were comparatively few convictions, and of the convictions a comparatively small number in which fines were actually collected. A large proportion of the cases were compromised or the fines remitted on the payment of costs, while in others a jail sentence was imposed and no fine or costs collected. In certain localities in New Jersey and Pennsylvania, and possibly in other States, it appears to have been the practice to institute prosecutions for keeping a "disorderly house" when the disorder consisted entirely of the illegal sale of liquors; but as the court records do not disclose the fact that the illegal sale of liquor was considered in the prosecution, it was impossible to ascertain which of the cases were due to violations of the liquor laws.

Only money actually collected has been reported. If the fine imposed was worked out on the county farm, roads, or other method of convict labor, it has not been considered. It was not practicable to separate the value of such services rendered by those convicted for violations of the liquor laws from the total value placed on all convict labor.

In States where local-option or prohibition laws prevailed the local officials and the special agents of the Department frequently reported that revenue had been collected, but owing to the fact that the amounts were indiscriminately reported as licenses or fines, it was impossible to decide to which class of revenue they should be assigned, and they were tabulated as returned.

In spite of all the difficulties in the way of securing complete returns, it is believed that the actual annual amount of fines collected for viola-

tions of the laws controlling the liquor traffic is but slightly in excess of that shown in this report.

The total annual revenue derived from liquor manufacture and traffic may be recapitulated as follows:

Tax on real and personal property employed in liquor manufacture (estimated)	$1,225,805.85
Tax on real and personal property employed in liquor traffic (estimated)	10,075,120.00
Ad valorem tax in Kentucky and Missouri	32,115.70
United States internal-revenue tax	114,450,861.77
License fees or special taxes, States	10,399,015.60
License fees or special taxes, counties	5,011,225.06
License fees or special taxes, municipalities	34,155,299.25
Fines, States	91,299.56
Fines, counties	378,557.75
Fines, municipalities	533,916.01
Fines, sales of confiscated liquors, etc., United States (estimated)	123,844.96
Customs duties on imported liquors	6,736,063.00
Total	183,213,124.51

After what has been said about the methods of collecting license fees or special taxes and fines, and the difficulties of ascertaining the amounts of such collections, it need hardly be said that to ascertain the cost of collecting such revenues was simply impossible. The officials making the collections were generally paid salaries covering all the duties of their positions, of which the collections formed a small and variable part. In the collection of fines, to cite an example, the cost was inseparably bound up with other court costs, including the salaries of a number of officials. For these reasons it will be seen that it is not possible to give even an estimate of the cost.

THE EXPERIENCE AND PRACTICE OF EMPLOYERS RELATIVE TO THE USE OF INTOXICANTS.

In addition to the foregoing strictly statistical results of a study of the liquor problem it was desired to possess some information in regard to the use of intoxicating liquors in its relation to employment, based on the observation and experience of large employers of labor in various industries. It seemed desirable to ascertain from such sources what consideration is given to the drinking habits of the seeker for employment and what means are used in judging the prospective employee generally. To acquire a knowledge of the lines of industry, establishments, and occupations in which those indulging in intoxicating liquors are not employed, and the reasons for such nonemployment, seemed important. The extent of the use of liquors by employees subject to night work, overwork, exposure, irregularity of hours of labor such as to work hardship, the shortening of the hours of labor, etc., was deemed to be a subject on which employers should have experience and opinions of value. The relation between pay days, holi-

days, and Sundays and overindulgence in intoxicants was suggested in the same connection. And, finally, it seemed of interest to ask what means employers would suggest, as in their opinion the best, to lessen the consumption of intoxicating liquors.

The foregoing inquiries and a few others were embodied in a schedule which was sent to a large number of employers of labor in various parts of the country, who were requested to furnish answers to the inquiries. This schedule was sent to 30,414 employers, of whom 12,114 were engaged in agriculture, 6,673 in manufactures, 6,582 in mining and quarrying, 3,040 in trade, and 2,005 in transportation.

The following statement shows by industries the number of establishments sending replies to the inquiries and the number of employees engaged in each industry:

ESTABLISHMENTS REPORTING AND NUMBER OF EMPLOYEES, BY INDUSTRIES.

Items.	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Total establishments	823	3,744	1,188	541	729	7,025
Establishments reporting number of employees	783	3,700	1,164	541	713	6,901
Total employees reported	41,355	1,011,661	174,806	59,337	458,764	1,745,923
Establishments not reporting number of employees	40	44	24	.....	16	124

Of the total of 7,025 establishments returning the schedule of inquiries, 6,901 reported as to number of employees. The total employees reported was 1,745,923. The manufacturing industry furnished the greatest number of establishments and employees, 3,700 establishments reporting 1,011,661 employees. In transportation 713 companies reported 458,764 employees. In other industries fewer employees were reported, but the number was sufficient in each case to make the statement fairly representative.

Employers were asked if in employing new men they were accustomed to give consideration to habits as to the use of intoxicating liquors, and, if so, what means were used to ascertain such habits. Out of 6,976 employers answering the inquiry, 1,613 reported that liquor habits were not taken into consideration; 5,363 reported that means were taken to ascertain the facts. The various means employed are shown for each industry in the table following.

MEANS EMPLOYED WHEN HIRING EMPLOYEES TO ASCERTAIN THEIR HABITS AS TO THE USE OF INTOXICATING LIQUORS.

Means employed.	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Personal knowledge	57	121	94	11	22	305
Personal knowledge and reputation	7	7	2	.....	4	20
Personal knowledge and appearance	8	26	16	1	1	52
Personal knowledge and questioning applicant	4	15	3	.....	1	23
Personal knowledge and recommendations	8	32	12	6	19	77
Personal knowledge and recommendations from former employers	.....	1	1	1	6	9
Personal knowledge and inquiry of former employers	.....	3	1	.....	2	6
Personal knowledge and inquiry	29	46	17	3	21	116
Reputation	13	44	17	4	11	89
Reputation and appearance	16	51	16	4	7	94
Reputation and questioning applicant	1	18	1	2	2	24
Reputation and recommendations	1	10	1	1	3	16
Reputation and recommendations from former employers	.....	1	.....	.....	.....	1
Reputation and inquiry of former employers	.....	1	.....	.....	1	2
Reputation and inquiry	3	18	1	.....	3	25
Appearance	38	307	49	22	17	433
Appearance and questioning applicant	18	176	28	11	8	241
Appearance and recommendations	7	80	11	16	20	134
Appearance and recommendations from former employers	.....	8	2	5	9	24
Appearance and inquiry of former employers	1	12	2	2	5	22
Appearance and inquiry	25	220	39	29	47	360
Questioning applicant	45	238	67	21	39	410
Questioning applicant and recommendations	11	116	2	29	32	190
Questioning applicant and recommendations from former employers	.....	7	1	1	9	18
Questioning applicant and inquiry of former employers	2	20	4	6	7	39
Questioning applicant and inquiry	12	142	25	29	33	241
Recommendations	16	137	6	41	55	255
Recommendations from former employers and others	.....	2	1	2	5	10
Recommendations and inquiry of former employers	2	7	.....	5	5	19
Recommendations and inquiry	9	105	6	16	25	161
Recommendations from former employers	10	25	7	17	31	90
Recommendations from former employers and inquiry	.....	9	5	5	16	35
Inquiry of former employers	16	69	18	25	29	157
Inquiry of former employers and others	4	28	1	13	15	61
Inquiry of former employers and bond required	.....	.....	.....	.....	1	1
Inquiry	114	447	105	93	142	901
Bond required	.....	.....	.....	.....	8	8
Offer them liquor and make inquiry	1	.....	.....	.....	.....	1
Means employed not reported	103	391	107	50	42	693
Total	581	2,940	668	471	703	5,363
Do not take liquor habit into consideration	229	783	513	64	24	1,613
Not reported	13	21	7	6	2	49

This table shows that the largest per cent of employers making some investigation in regard to the liquor habits of the men was found in transportation, 703 reporting that some inquiry was made and but 24 that men were employed without regard to such habits. In trade 471 reported that habits were considered and 64 that they were not. In manufactures 2,940 reported some consideration and 783 none.

It was found that in some establishments no one using intoxicating liquors was employed. In other cases the prohibition applied to certain occupations only, and in still other cases to employees only when on duty. The reasons for the prohibition as regards establishments and occupations as stated by the employers reporting on this subject are shown in the statement following.

REASONS FOR REQUIREMENT THAT EMPLOYEES SHALL NOT USE INTOXICATING LIQUORS.

Reasons given.	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Because of personal disgust for drinking men	3	.....	.....	.....	.....	3
Because of responsibility of position	54	322	107	8	64	555
Because of responsibility of position and to make good example for other employees	2	12	4	1	1	20
Because of their youth	.....	1	.....	.....	.....	1
Because of unreliability of drinking men	30	71	7	20	6	134
Because of unreliability of drinking men and their disagreeableness to customers	.....	2	.....	2	.....	4
Because of unreliability of drinking men and personal disgust for them	.....	1	.....	3	.....	4
So we can control them	3	3	5	.....	.....	11
For purposes of economy	.....	6	.....	.....	.....	6
For the good of employees	.....	2	.....	.....	.....	2
To guard against abuse of animals	5	.....	.....	.....	.....	5
To guard against accidents	46	316	199	16	109	686
To guard against accidents and abuse of animals	6	.....	.....	2	.....	8
To guard against accidents and because of personal disgust for drinking men	.....	1	.....	.....	.....	1
To guard against accidents and because of responsibility of position	2	27	25	1	10	65
To guard against accidents and because of unreliability of drinking men	1	6	2	.....	1	10
To guard against accidents and dishonesty	.....	1	.....	.....	1	2
To guard against accidents and for economy	.....	5	.....	.....	.....	5
To guard against accidents and to make good example for other employees	1	10	6	.....	2	19
To guard against accidents, inefficiency, and poor work	5	23	14	1	3	46
To guard against dishonesty	10	6	1	5	1	23
To guard against incompetency	.....	31	.....	6	3	40
To guard against inefficiency and to make good example for other employees	1	4	1	.....	.....	6
To guard against inefficiency and poor work	10	21	32	2	2	67
To guard against inefficiency, poor work, and abuse of animals	2	.....	.....	1	.....	3
To guard against inefficiency, poor work, and dishonesty	.....	2	2	1	.....	5
To guard against irregularity in time	1	.....	1	.....	.....	2
To guard against irregularity in time and because of unreliability of drinking men	17	.....	.....	1	.....	18
To guard against irregularity in time, inefficiency, and poor work	6	1	3	.....	.....	10
To guard against temptation	.....	2	.....	.....	.....	2
To make good example for other employees	2	22	4	.....	.....	28
To prevent retarding work	1	1	1	.....	.....	3
Total	208	899	414	70	203	1,794

The two chief single reasons given by employers for the requirement that employees shall not use intoxicating liquors are seen to be "to guard against accidents" and "because of responsibility of position." These two make up more than two-thirds of the number reporting, and, in combination with others, comprehend a great many of the remaining cases. The statement, "because of responsibility of position," is somewhat general in character. It was principally applied to engineers, overseers, foremen, and watchmen. For this reason it is probable that the statement more in detail would divide itself into several heads, viz: To guard against accident, fire, or theft; to secure honesty and reliability, and to make a good example for other employees.

The facts with regard to establishments prohibiting the use of intoxicating liquors by employees either on or off duty are shown in the statement following.

ESTABLISHMENTS FORBIDDING USE OF INTOXICATING LIQUORS BY EMPLOYEES.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments requiring that no employees shall use intoxicating liquors when on duty	42	492	140	14	167	855
Establishments requiring that no employees shall use intoxicating liquors either on or off duty	153	218	43	79	203	696
Establishments requiring that employees in certain occupations shall not use intoxicating liquors when on duty	64	364	159	40	65	692
Establishments requiring that employees in certain occupations shall not use intoxicating liquors either on or off duty	151	663	290	45	135	1,284
Total establishments making some requirement that employees, or employees in certain occupations, shall not use intoxicating liquors	410	1,737	632	178	570	3,527
Establishments making no requirement that employees shall not use intoxicating liquors	353	1,907	526	341	138	3,265
Establishments not reporting whether any requirement is made that employees shall not use intoxicating liquors	60	100	30	22	21	233

This table brings out the fact that more than one-half of the establishments reporting require in certain occupations and under certain circumstances that employees shall not use intoxicating liquors. The whole number making some such requirement was 3,527, while the number of establishments making no requirement was 3,265.

The principal occupations reported as those in which employees are required not to use intoxicating liquors while on duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginners, stockmen, sugarhouse employees, clerks, machine hands, cotton planters, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, managers, clerks, sawyers, filers, teamsters, machine hands, and packers.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Engineers, firemen, foremen, watchmen, clerks, salesmen, elevator men, janitors, teamsters, and porters.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, switchmen, and pilots.

The principal occupations reported as those in which employees are required not to use intoxicating liquors either on or off duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginners, sugarhouse employees, clerks, machine hands, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, clerks, mechanics, sawyers, filers, salesmen, and machine hands.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Foremen, clerks, watchmen, and salesmen.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, and switchmen.

Establishments having employees subject to night work were asked to state whether such employees were more addicted to the use of intoxicating liquors than others. In all, 1,659 establishments reported having employees subject to night work and 5,337 reported no employees subject to night work. The result in detail follows.

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO NIGHT WORK.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees subject to night work:						
Reporting such employees more addicted to use of intoxicating liquors than others	23	90	14	3	11	141
Reporting such employees not more addicted to use of intoxicating liquors than others	94	680	197	56	433	1,460
Not reporting as to use of intoxicating liquors by such employees	10	24	2	2	20	58
Total	127	794	213	61	464	1,659
Establishments having no employees subject to night work	688	2,942	966	479	262	5,337
Establishments not reporting whether employees are subject to night work	8	8	9	1	3	29

It does not appear from the foregoing table that employees subject to night work are to any considerable degree addicted to the use of intoxicating liquors beyond other employees. It is seen that but 141 establishments out of 1,659 having employees subject to night work reported that such employees were more addicted to the habit than others, while 1,460 reported that there was no difference.

The leading occupations of employees reported subject to night work, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, tobacco curers, cotton ginners, engineers, firemen, laborers, dairy hands, sugar-plantation men, and watchmen.

In manufactures: Compositors, pressmen, engineers, firemen, sawmill employees, furnace and rolling mill employees, stevedores, tailors, and kilnmen.

In mining and quarrying: Miners, quarrymen, engineers, firemen, laborers, teamsters, and smelters.

In trade: Coal heavers, drivers, and telegraph operators.

In transportation: Trainmen, switchmen, motormen, conductors, drivers, sailors, and stevedores.

The facts for establishments having employees subject to overwork are shown, as reported, in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO OVERWORK.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees subject to overwork:						
Reporting such employees more addicted to use of intoxicating liquors than others	16	51	14	7	11	99
Reporting such employees not more addicted to use of intoxicating liquors than others	53	200	52	32	99	436
Not reporting as to use of intoxicating liquors by such employees	8	8	3	.....	4	23
Total	77	259	69	39	114	558
Establishments having no employees subject to overwork	720	3,454	1,103	490	612	6,379
Establishments not reporting whether employees are subject to overwork	26	31	16	12	3	88

This statement shows that of 558 establishments having employees subject to overwork 99 reported that such employees were more addicted to the use of intoxicating liquors than others, 436 that such employees were not more addicted than others, while 23 failed to answer this inquiry.

The leading occupations of employees reported subject to overwork, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, sheep shearers, cotton ginners, firemen, laborers, harvest hands, and tobacco curers.

In manufactures: Teamsters, loggers, puddlers, molders, engineers, machinists, carpenters, and blacksmiths.

In mining and quarrying: Miners, quarrymen, teamsters, and laborers.

In trade: Bookkeepers, clerks, drivers, and coal shovelers.

In transportation: Trainmen, sectionmen, flagmen, switchmen, drivers, sailors, and stevedores.

The drinking habits of employees subject to exposure to severe weather are shown in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO EXPOSURE TO SEVERE WEATHER.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees subject to exposure to severe weather:						
Reporting such employees more addicted to use of intoxicating liquors than others	65	151	54	43	68	381
Reporting such employees not more addicted to use of intoxicating liquors than others	191	540	373	100	415	1,619
Not reporting as to use of intoxicating liquors by such employees	16	18	21	6	20	81
Total	272	709	448	149	503	2,081
Establishments having no employees subject to exposure to severe weather	532	3,006	732	388	222	4,880
Establishments not reporting whether employees are subject to exposure to severe weather	19	29	8	4	4	64

Out of 2,081 establishments having employees subject to exposure to severe weather, 381 reported that such employees were more addicted to the use of intoxicating liquors than others, 1,619 that such employees were not more addicted than others, and 81 failed to make report in regard to their experience on this point.

The leading occupations of employees reported subject to exposure to severe weather, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Field hands, teamsters, and stockmen.

In manufactures: Teamsters, loggers, clay diggers, coal handlers, iron handlers, lumber handlers, and yardmen.

In mining and quarrying: Quarrymen, teamsters, coal handlers, coke handlers, and laborers.

In trade: Drivers, collectors, porters, and laborers.

In transportation: Trainmen, sectionmen, bridgemen, motormen, conductors, drivers, sailors, and stevedores.

The use of intoxicating liquors by employees employed irregularly, by seasons, by day and night alternately, or in any other irregular way, is brought out in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES EMPLOYED IRREGULARLY.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees employed irregularly (by seasons, by day and night alternately, or in any other irregular way):						
Reporting such employees more addicted to use of intoxicating liquors than others	108	176	68	14	25	391
Reporting such employees not more addicted to use of intoxicating liquors than others	178	539	240	33	224	1,214
Not reporting as to use of intoxicating liquors by such employees	55	179	53	4	22	313
Total	341	894	361	51	271	1,918
Establishments having no employees employed irregularly	438	2,764	790	478	449	4,919
Establishments not reporting whether employees are employed irregularly	44	86	37	12	9	188

Employees subject to irregularity of work were reported more addicted to the use of intoxicating liquors than others in 391 establishments out of a total of 1,918 establishments reporting. In 1,214 establishments no difference has been noted, and 313 establishments failed to answer the inquiry covering this point.

The principal occupations of employees reported as employed irregularly—that is, by seasons, by day and night alternately, or in any other irregular way—who were found to be more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Harvest hands, stockmen, cotton pickers, field hands, ditchers, fruit pickers, sheep shearers, and vegetable packers.

In manufactures: Lumbermen, furnace and rolling mill employees, compositors, stevedores, lime burners, and painters.

In mining and quarrying: Miners, quarrymen, stonecutters, laborers, and teamsters.

In trade: Laborers, porters, stevedores, and lumber handlers.

In transportation: Trainmen, sectionmen, and laborers.

The use of intoxicating liquors immediately after pay day, as compared with other times, may be seen from the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES IMMEDIATELY AFTER PAY DAY.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments reporting employees more addicted to use of intoxicating liquors immediately after pay day than at other times	432	2,243	924	87	211	3,897
Establishments reporting employees not more addicted to use of intoxicating liquors immediately after pay day than at other times	283	1,397	208	406	472	2,766
Establishments not reporting whether employees are more addicted to use of intoxicating liquors immediately after pay day than at other times	108	104	56	48	46	362

Of the total establishments 3,897 stated that their employees were more addicted to the use of intoxicating liquors immediately after pay day than at other times, 2,766 stated that they found no increased indulgence at such times, and 362 failed to answer the inquiry relating to this matter. In the mining and quarrying industry indulgence after pay days is strikingly noticeable. In 924 establishments increased use is reported against 208 reporting no increase.

In connection with the other inquiries an effort was made to ascertain how many establishments had been troubled with intoxication on the part of their employees, and what, if any, means had been tried to lessen it. In all, 3,299 establishments either had not been so troubled or failed to make any reply to the inquiry, while 3,726 establishments reported that they had been so troubled. Of this latter number all but 105 reported as to the means tried to lessen the amount of intoxication. A great number of methods seem to have been under trial, but those that have had a number of trials sufficient to demonstrate their value are comparatively few. The following table shows the number of establishments in which each means had been tried and the number in which found effective:

ESTABLISHMENTS REPORTING TROUBLE FROM INTOXICATION AMONG EMPLOYEES AND MEANS TRIED TO LESSEN IT.

Means tried.	Establishments reporting means.			
	Effective.	Not effective.	Not reporting results.	Total.
Discharge	112	4	1,446	1,562
Change of pay day from Saturday	92	17	115	224
Change of pay day from Saturday and discharge	73	6	132	211
Moral suasion	11	8	164	183
Moral suasion and discharge	9	.....	131	140
Warning and discharge	12	2	80	94
Change of pay day from Saturday and moral suasion	21	2	33	56
Suspension and discharge	5	1	48	54
Less frequent payment of wages	37	4	12	53
Change of pay day to Saturday	33	2	12	47
Warning	4	.....	40	44
Suspension	8	1	23	32
Moral suasion and example	1	1	29	31
Allowing no liquor on premises or drinking on duty	2	1	25	28
Holding back wages	11	2	15	28
Opposing locating saloons near premises, lessening number, or closing them	1	1	25	27
All (200) other means tried	179	71	557	807
Total	611	123	2,887	3,621

This statement can hardly be considered satisfactory from a statistical point of view, since, out of 3,621 establishments reporting the means tried for lessening intoxication among employees, 2,887 failed to report whether effective or not. This leaves but 734 establishments reporting both the means tried and the results, 611 reporting that the means were found effective, and 123 that they were not effective.

The chief means tried appears to be discharge; reports being received from 1,562 establishments, only 116, however, reporting as to effectiveness, 112 stating that it was effective against 4 not. Change of pay

day from Saturday appears as the next leading means tried, 224 establishments reporting having tried it, 92 that it was effective, and 17 not effective.

These two means may be considered the chief ones, as they lead not only singly but also reappear as important in combination with other means. The second means—change of pay day from Saturday—should be considered in connection with one other reported not so frequently—change of pay day to Saturday. This latter means must be considered, according to the results shown in the table, quite as successful as the former, being effective in 33 cases and not effective in 2. It may be said, however, that the apparent contradiction does not in any respect lessen the value of the table. It rather calls attention to the way in which the facts for the table were obtained and what they mean. The statement in any instance that an establishment had changed its pay day from Saturday to some other day and had found as a result a lessening of intoxication among the employees is merely a statement of conditions in that particular establishment and of the results of a change, according to the judgment of the proprietor or manager making the report. It is entirely possible that Saturday might be the best pay day in one establishment, but in another not, or that the mere change of pay day might have effect. And of course judgment might err, though the chances for that are equally good in both cases. It appears, then, as has been seen in a former table, that in a great majority of establishments employees are more addicted to the use of liquors immediately after pay day than at other times, but that experience differs as to whether Saturday is the best pay day or not. In connection with the change of pay day to Saturday attention should be called to the fact that in some cases the statement was made that the change to Saturday was made in order to allow drinking employees to recover during Sunday from the effects of pay-day indulgence.

The table quite clearly indicates the judgment of employers as to the success or failure of the other means tried. All the chief means are specified in detail, the various miscellaneous ones, 200 in all, being grouped.

Special mention should be made of one of the reports received, by reason of an interesting supplementary statement appended to it. It is that of a firm doing an extensive coal-handling business in two large western cities. The firm has 240 employees, pays by check on Tuesdays, and makes the statement following, covering a period of two months, in regard to the cashing of pay-checks by employees.

PER CENT OF EMPLOYEES CASHING PAY-CHECKS AT GROCERIES, SALOONS, SAVINGS BANKS, ETC., BY NATIONALITIES.

CHICAGO.

Nationalities.	Per cent cashing pay-checks at—			Total.
	Groceries, etc.	Saloons.	Savings banks.	
Hungarians and Poles	23	77	.....	100
Germans	30	70	.....	100
English and Americans	30	61	9	100
Swedes and Norwegians	91	9	.....	100
Scotch and Irish	26	74	.....	100
Total	34	64	2	100

MILWAUKEE.

Hungarians and Poles	.....	100	.....	100
Germans	36	64	.....	100
English and Americans	65	35	.....	100
Scotch and Irish	65	35	.....	100
Total	43	57	.....	100

Of the employees represented in this table, 3 per cent of the Germans, 47 per cent of the English and Americans, and 20 per cent of the Scotch and Irish are superintendents, clerks, etc. The balance are all laborers engaged in handling coal.

The concluding inquiry of the schedule was in some respects kindred to the foregoing. Its form is as follows: "What means, in your view, better than now employed, can be taken by employers, communities, organizations, municipalities, or States to lessen the consumption of intoxicating liquor among the people?" As would naturally be supposed, the replies received were in great variety. As will be observed from a comparison with the table showing means tried to lessen intoxication, the answers here probably represent to some extent opinions formed from the personal trials of the means there specified.

The following table presents, in detail, the answers to the preceding inquiry according to the industries followed by the establishments reporting:

ESTABLISHMENTS SUGGESTING MEANS TO LESSEN THE CONSUMPTION OF INTOXICATING LIQUORS AMONG THE PEOPLE.

Means suggested.	Establishments suggesting means.					
	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Prohibition	207	481	295	49	71	1,103
Do not employ drinking men	64	407	106	49	143	769
High license	41	269	69	30	36	445
Education	9	102	27	19	23	180
Abolish saloons	28	99	21	2	9	159
Education, moral and religious	13	81	13	18	11	136
Improve social conditions	18	53	33	4	17	125
Government control	33	60	15	9	3	120
Enforce existing laws	16	72	21	4	1	114
Limit number of saloons	1	75	4	.....	5	85
Remove all restrictions	17	28	16	10	4	75
Encourage use of light wines and beer	11	41	3	13	4	72
High license, and do not employ drinking men	8	28	7	10	10	63
Local option	14	31	12	5	1	63
High revenue tax	12	25	13	2	5	57
Prohibit treating	3	28	14	6	5	56
Example of employers	2	27	11	3	11	54
Close saloons Sundays and early week days	5	38	6	2	2	53
Make drunkenness a punishable misdemeanor	5	27	12	8	1	53
All (177) other means suggested	146	578	188	97	123	1,132
Total	653	2,550	836	340	485	4,914

The means suggested represent in each case individual opinion, and must be given weight accordingly. For example, the proprietors or managers of 1,103 establishments suggested prohibition as, in their opinion, the means best suited to lessening the consumption of intoxicating liquors; 769 considered that the refusal to employ drinking men would accomplish most; 445 thought high license the best method; 180 would suggest education; and so on through the list, 1,132 suggesting a great variety—177 in number—of miscellaneous means. It should be said that these suggestions are in reply to schedules sent without preference to all parts of the country. The table includes all the replies received.

The replies received from liquor dealers in answer to the inquiries will have a peculiar interest. Schedules were filled by 32 liquor dealers, representing an aggregate of 525 employees. Twenty-seven of these report that when employing new men they take into consideration the question of whether or not the applicant is addicted to the use of intoxicating liquors, although quite a number take care to specify that it is not the use but the abuse of liquor that is objected to. Twenty-eight of the 32 report that they are not troubled with intoxication among employees, and have had, therefore, no occasion to try remedies. Three, while not reporting that they are troubled, give as their remedy for intoxication, "discharge," while one reports his remedy to be "example and influence."

But by far the most interesting feature of these schedules is to be found in their answers to the inquiry, "What means, in your view, better than now employed, can be taken by employers, communities, organizations, municipalities, or States to lessen the consumption of intoxicating liquor among the people?" Of course, in the nature of the case, where any mention is made of prohibition, it is to say "Repeal prohibitory laws," "Prohibition of no avail," or "It only increases the desire for liquor," etc. Also, in regard to taxation (with one exception), lower license and more liberal excise laws are favored. Better education and severe punishment of drunkenness are also frequent suggestions.

Some of the replies to this inquiry are, however, worth giving in full:

"From about thirty years' observation I am convinced that the bad habit of 'treating' is the cause of more drunkenness than any other one thing."

"Prohibition increases the desire for whisky, wine, and beer. The abolition of the 'treating' habit of our people would decrease consumption, increase sobriety, and solve the liquor problem."

"We believe that the brewers' methods to establish as many saloons as possible by favoring low license, etc., and the 'treating' habit are the two worst enemies of moderation and true temperance."

"The arrest and fining or imprisonment of *the offender*—if intoxicated. The repeal of 'prohibitory laws.' They never have nor can 'prohibit.' *Education*, which is the precursor of refinement. The offender's punishment should be on an increasing scale for continued offenses. It is *he* only who offends, and *he* should be dealt with—not the dealer, but the offender. In other words, offenders should be dealt with for this offense as with others, with increasing punishment for each offense."

"By having only pure liquors sold. The National or State governments should have liquors examined, and those not up to standard destroyed, as in the case of meat, milk, etc. The National Government should forbid the manufacture of continuous distillation (or quick-aging goods, as they are sometimes called.) They are ruinous to health. It should also set a period after which no spirituous liquors could be sold less than five years old."

"Use, free and open, of wine, beer, and spirits, whence moderation and absence of abuse, which alone is injurious."

BROTHERHOOD RELIEF AND INSURANCE OF RAILWAY EMPLOYEES.

BY EMORY R. JOHNSON, PH. D.

The railway employees in the United States number more than 800,000. Not less than one-twentieth of the entire population of our country is supported by the wages and salaries paid by the railway companies. The standards of living which prevail with such a large class of the social body, the ideals which they cherish concerning their intellectual and material needs, and the organizations and institutions which they are building up to assist in realizing those ideals are matters of much moment to society. Not only the students of the labor problem and the sociologists, but every person who is interested in the progress of the industrial classes to a position of greater economic stability, will perforce give attention to the efforts which the railway employees in the United States are putting forth for their own and their families' betterment.

The intellectual and industrial status of the railway employees is of much social consequence, not only because of their large numbers, but also, and quite as much, because of the intimate relation which the services they perform bear to the convenience and safety of the public. Every person uses the railroads directly or indirectly, and is necessarily affected by the character of the service performed by the employees. Whatever makes railway employees a more efficient class of workmen and inspires them with a greater pride in their work, and whatever enables them to provide more surely for the material well-being of themselves and those dependent upon them, is of general public benefit. The railway employees in the United States are striving, by means of their associations and brotherhoods and by means of the relief and insurance departments connected with those organizations, to improve themselves as men and as laborers, and their endeavors have met with a large measure of success. The associations of railway employees rank among the most successful labor organizations, and the influence which they have exerted upon their members has made our railway staff better men and more capable public servants.

Most of the associations of railway employees maintain organizations to provide their members with relief and insurance, and the plans which these beneficial institutions have adopted for the accomplishment of their purposes constitute an interesting and instructive study in insurance. An investigation of what the organizations have accomplished should have value for the student of insurance and be of assistance to those who may be desirous of establishing other relief and insurance organizations.

The Bulletin of the Department of Labor for January, 1897, published an account of the departments which six of the large railway corporations in the United States have established in connection with their service to enable their employees to secure life insurance and relief in case of accident or sickness. These railway relief departments were established by the corporations and are largely controlled by them. In order to complete the study of the agencies for the relief and insurance of railway employees, it remains to consider the beneficial organizations which the employees have established and developed in large part without the cooperation or approval of their employers.

CLASSIFICATION OF RELIEF AND INSURANCE ORGANIZATIONS.

The railway employee has the choice of several organizations from which relief and insurance may be secured. There are, first of all, the well-known stock companies which issue life and accident insurance policies. Many railway corporations urge their employees to carry policies in such companies, and in some cases the railway corporations collect the premiums on these policies by deducting the payments from the wages of the employees and paying the amounts thus collected to the insurance companies. One company, the Ann Arbor Railroad, requires all employees in the train service to carry such policies "in a regular specified insurance company." The Cincinnati, New Orleans and Texas Pacific Railway has gone further in this matter than any other corporation. For some years past it has encouraged various accident and life insurance companies to do business on its roads, assisted them in securing as many policies as possible, and collected the premiums without charge. But on July 12, 1897, a further step was taken when the receiver of the road announced that he had arranged with the Railway Officials and Employees' Accident Association of Indianapolis to "issue policies of insurance upon the conductors, engineers, firemen, brakemen, bridge carpenters, signalmen, yardmen, and foremen in his employ at the regular rates," and that the railway company would, until further notice, provide 45 per cent of the premiums named in the policies. It is not made compulsory upon the employees to insure; but if they choose to insure they are required to pay only 55 per cent of regular premiums. The occupations in the railroad service are classified and the premiums vary with the degree of hazardousness of each class of labor.

Another general class of relief and insurance organizations comprises the two kinds of railway employees' associations that the railway companies organize and largely manage. In each of these two kinds of associations the membership is limited to the employees of one company or system, and is sometimes voluntary and in some instances compulsory. One of the two types of association includes the organizations for the maintenance of "hospital funds." Numerous companies, particularly the transcontinental or Pacific lines, require their employees

to pay 25 or 50 cents a month toward defraying the expenses of maintaining hospitals, the payments being deducted from the monthly wages. The employees of these companies are entitled to free medical treatment at home or in the companies' hospitals. In some instances the company also pays a small death allowance to cover the burial expenses of a deceased employee. The Northern Pacific Beneficial Association is a good example of this type of organization.

Another association of a type very similar to the one just mentioned is represented by the relief organization connected with the Lehigh Valley Railroad. The expenses of managing this association are borne by the company, and the "contributions" to the funds from which benefits are paid are made half by the company and half by the employees who choose to join. The contribution which the employee may make to the fund upon any one assessment is "the amount of one day's wages or less, but in no case is the amount subscribed to the fund to exceed $3." Representatives of the contributing employees share with the company in the management of the fund. Participation in the fund is voluntary; those who contribute have a claim for relief in case of an injury received while in discharge of duty. The relief amounts to "three-fourths as much per day as that contributed by him to the fund for every working day during his total disability to work, but not longer than for the period of nine months." If death results from such an injury, a moderate sum is paid to a designated beneficiary. This death benefit comprises an immediate payment of $50 and a monthly payment for two years of "an allowance for every working day at a daily rate of three-fourths the amount of" the deceased employee's contribution. It has not been found necessary to compel the employees to contribute to the fund. After several years of successful management there were, in July, 1897, 6,199 employees contributing to the fund.

The other kind of relief association belonging to this second class—those organized by the railroad companies—is the railway relief department. As noted above, there have been six such departments or associations organized, and their membership includes about 125,000 men. In three of the departments membership is voluntary and in three compulsory.(*a*) Sick, accident, and death benefits are paid by all departments, and one pays pensions to superannuated employees. The expense of maintaining the department is borne mainly by the members, but the railway corporations with which the departments are connected bear from one-sixth to one-fifth of the financial burdens. These relief departments were described in detail in the author's report, published in the Bulletin of the Department of Labor, January, 1897. (*b*)

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a Section 10 of the mediation and arbitration act, approved June 1, 1898, makes it illegal for railway companies to compel employees to join a relief department.

b Consult also a more lengthy account of them in the author's paper on Railway Departments for the Relief and Insurance of Employees, Annals of the American

The third general class of the relief organizations in which the railroad employee may participate includes the associations, orders, and brotherhoods organized and managed entirely by the employees. This general class also comprises two kinds of organizations, one whose membership is confined to the employees of a single railroad system, and another kind whose membership is composed of employees performing one branch of railway labor, as locomotive engineers or conductors, but is not restricted to the labor staff of one railway system. In this last category belong the national and international orders and brotherhoods of railway employees. The relief and insurance features of these organizations constitute the main subject of this article.

The employees' associations whose membership is confined to the staff of a single system of railroads are usually supported entirely by their members, although the companies composing the system frequently contribute something. A large number of associations of this kind exist in the United States. In Massachusetts as many as six associations of railroad employees and three composed of street railway men are reported by the State commissioner of insurance. A short account of the organization and activities of one typical association of this class is given in a subsequent section of this article.

The brotherhoods and orders of the national or international type are the most influential of all organizations of railway employees. Before entering upon a discussion of the kind and measure of relief and insurance which railway employees secure through membership in these bodies, it will be well to give a brief account of the development and present standing of these brotherhoods and orders, and to outline concisely the general plan of organization which they have worked out. The "beneficiary departments" and "insurance associations" discussed in this report form a part of that general plan of organization.

ESTABLISHMENT AND GROWTH OF THE BROTHERHOODS.

The national and international brotherhoods whose membership is composed respectively of men in special branches of the service are: The Grand International Brotherhood of Locomotive Engineers, the Order of Railway Conductors of America, the Brotherhood of Loco-

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Academy of Political and Social Science, November, 1895. This paper is also printed as a separate publication, No. 162, of the American Academy.

The Metropolitan Street Railway Association of Brooklyn is an organization very similar to the six railway relief departments. It has been in operation since January, 1897. Membership in it is compulsory for all employees of the Metropolitan Street Railway. Sick and accident benefits and a moderate death allowance are secured by the members. Assessments of 50 cents a month are taken from the employees' pay rolls. The company makes no contributions to the funds and keeps the management of the association well within its control. The association is mentioned in this connection because it adds another organization to the list of relief departments, and indicates that the relief department is a growing institution.

motive Firemen, the Brotherhood of Railroad Trainmen, the Brotherhood of Railway Trackmen, the Switchmen's Union of North America, the Brotherhood of Railway Carmen, and the Order of Railroad Telegraphers. A Railway Yard Masters' Association formerly existed, but was disbanded at its annual meeting held in Chicago in June, 1896. The recently disbanded American Railway Union, which was for a time the largest and in some respects the most successful of all associations of railway employees, was an organization of a different type from those just enumerated and does not properly belong in the list. There is also another class of national associations of railway employees that does not come within the purview of this discussion. This class includes such organizations as the National Association of Railway Agents, the Road Masters' Association of America, the American Society of Railroad Superintendents, and others of a like character which meet annually for the discussion of technical questions.

The oldest and largest of the brotherhoods above named is the International Brotherhood of Locomotive Engineers. The grand division was founded at Detroit, Mich., August 17, 1863, under the name of the "Brotherhood of the Foot-board." The society was reorganized and given its present title at Indianapolis, Ind., August 17, 1864. The brotherhood had a prosperous growth from the beginning. The ability and conservatism of its managers and the brotherhood's large membership have given the organization great influence. At the close of 1896 the number of divisions was 535; the present membership is about 32,000. An insurance association was organized by the brotherhood December 3, 1867, membership in which was voluntary until 1894. The insurance association was incorporated, in accordance with the laws of the State of Ohio, March 3, 1894. The first grand engineer of the brotherhood says: "The incorporation was a necessity, as we were enjoined from doing any insurance business in the State of New York until incorporated, and we found that the ruling would hold in every State in the Union except three, so we made a virtue of the necessity." Previous to the incorporation the insurance association had been managed by the officers of the brotherhood, but in order to become incorporated it was necessary that the association should be conducted entirely by its own officers and not as an adjunct of the brotherhood.

The other large brotherhoods do not technically conduct an insurance business, although their members secure insurance by participation in the "benefit" or "beneficiary" departments that the brotherhoods have established. Likewise the railway relief departments that the railroad corporations have established do not carry on an insurance business, although they pay "death benefits." The difference is formal rather than essential.

The second national association of railway employees organized was the Conductors' Brotherhood, instituted at Mendota, Ill., July 6, 1868, by the conductors from various railroads in the United States. The

brotherhood was reorganized and a general governing board, the grand division, was established December 15 following. Ten years later, at the eleventh annual session of the grand division, the name of the organization was changed from the Conductors' Brotherhood to the Order of Railway Conductors of America.

At one time a serious split in the ranks of the Order of Railway Conductors was threatened as the result of the position taken on the question of strikes. For thirteen years, 1877–1890, the order prohibited its members from participating in a strike. Many members opposed this policy, and in 1888 the Brotherhood of Railway Conductors was started at Los Angeles, Cal., by those who believed in a "protective policy." In 1890 the order abandoned its "nonprotective policy," and a year later the Brotherhood of Railway Conductors was disbanded by the admission of its members into the order.

The Order of Railway Conductors is a vigorous, conservative, and well-managed organization, with nearly 400 local divisions and about 22,000 members. Its membership fell off only slightly with the contraction of the labor staff of the railways which took place during the financial depression that began in 1893, and the labor troubles of 1894 affected the order much less than they did most of the other brotherhoods. The enrollment of members in its benefit department has shown steady gains during the past five years. Up to July 1, 1891, participation in the mutual benefit department was voluntary, but since that date every new member having the requisite qualifications as regards age and physical condition is obliged to join that department. From what follows in this and succeeding sections it will appear that the Order of Railway Conductors has exercised a strong influence over some of the other brotherhoods.

The Brotherhood of Locomotive Firemen was organized at Port Jervis, N. Y., December 1, 1873. The association grew but slowly during the first ten years of its existence. Previous to the establishment of the Brotherhood of Locomotive Firemen there had been organized the International Firemen's Union, an association without a relief or insurance feature, that had been instituted for strictly "protective" purposes; that is, to protect the rights of its members against the encroachments of their employers. For five years the brotherhood and the union were rivals. During this same period also the great strike of 1877 occurred, and threw many firemen out of employment and increased the vigorous opposition of the railroad companies to the brotherhood. In 1878 the International Firemen's Union was absorbed by the brotherhood. Two years later Eugene V. Debs, at that time a vigorous opponent of strikes and an advocate of arbitration, became the managing spirit of the brotherhood, and his organizing ability helped to inaugurate prosperous times for the association. The organization of the Knights of Labor in 1885 and the Chicago, Burlington and Quincy strike of 1888 affected the brotherhood somewhat, but

the check was only temporary. At the close of the fiscal year ending July 31, 1893, the membership was 28,681 and the number of lodges 506. The organization of the American Railway Union by Mr. Debs in 1893 gave the Firemen's Brotherhood a severe setback. The membership fell to 21,403 and the lodges to 484 in 1895. Since then, however, the growth has been so rapid that all the defunct lodges have been reestablished. On July 1, 1897, the membership numbered 24,251. An insurance association was established by the brotherhood at its first convention in 1874. During the first four years participation in the insurance association was voluntary; since then, however, it has been obligatory upon all eligible members.

The establishment of the organization now known as the Brotherhood of Railroad Trainmen took place at Oneonta, N. Y., September 23, 1883. It was called the Brotherhood of Railroad Brakemen until January 1, 1890, "when, because many of its members had been promoted to the position of conductor and many had accepted various other positions in the train service, the more fitting name of Brotherhood of Railroad Trainmen was adopted. Its membership is made up principally of conductors, brakemen, train baggage men, train flagmen, yard masters, yard foremen, and switchmen."(*a*) The growth of the brotherhood was rapid until 1893, when the membership fell from 28,540 to 22,359 during a year. The membership July 1, 1898, was 28,850, and the number of its lodges was 556, a greater number than at any previous time. The brotherhood maintains a beneficiary fund and requires all eligible members to insure.

The Brotherhood of Railway Trackmen is one of the younger and smaller organizations. The first effort to found the brotherhood was made in the spring of 1887, but the organization then instituted did not succeed. A year later the brotherhood was reestablished; this time to survive, but to grow slowly because of the apathy of the trackmen. The grand chief of the brotherhood gives the following facts concerning the organization:

The Brotherhood of Railway Trackmen is composed of the members of two trackmen's associations. The Order of Railway Trackmen, with headquarters at Birmingham, Ala., was an association of trackmen composed of official trackmen only, such as road masters, bridge, and section foremen. In 1891 the membership was about 600. The organization known as the Brotherhood of Railway Section Foremen had been organized at Council Bluffs, Iowa. Its membership was about 400. In October, 1891, a committee composed of 12 members, 6 from each organization, met in the city of St. Louis, Mo., authorized to consolidate the two orders and to elect officers to manage the affairs of the amalgamated order. Arrangements were made for the two orders to become one January 1, 1892. Insurance certificates for $1,000 were issued to all members.

The Brotherhood of Railway Trackmen has but recently recovered from the check it received when the American Railway Union was

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a Sixth Annual Report of the Interstate Commerce Commission, p. 329.

formed. The membership at the close of 1897 was between 1,300 and 1,400, and it is increasing. Until January 1, 1897, each member was required to carry an insurance certificate of $1,000. Since that date insurance has been voluntary, and two certificates—one for $500 and one for $1,000—are issued. This change makes it easier for the trackmen whose wages are small to join the brotherhood, and will make it easier for the organization to increase its membership. The trackmen are a body of men whom it is difficult to organize even under favorable conditions, and the promoters of the trackmen's brotherhood have had unusual difficulties to contend with during the last five years. The brotherhood ought to develop into one of the largest. The trackmen constitute a large body of laborers, and one whose education and material well-being can be greatly promoted by a comprehensive and well-managed organization.

The Brotherhood of Railway Carmen of America was founded September 9, 1890, by the consolidation of the four following organizations: The Carmen's Mutual Aid Association, instituted at Minneapolis, Minn., November 23, 1888; the Brotherhood of Railway Car Repairers, instituted at Cedar Rapids, Iowa, October 27, 1888; the Car Inspectors, Repairers, and Oilers' Protective Association, instituted at Indianapolis, Ind., 1890, and the Brotherhood of Railway Carmen of Canada, instituted at Toronto, Canada, January, 1890.(*a*) During the first three years of its existence the organization flourished. The membership was 4,200 in 1893, but the American Railway Union and the Chicago strike instituted by that association "almost disrupted the brotherhood." The membership June 30, 1897, was about 1,300, and it is now increasing. At the time of its establishment the brotherhood organized a mutual aid association, membership in which was made voluntary. The present membership of the aid association is very small. On June 30, 1897, there were but 90 members.

The Switchmen's Union of North America is the outgrowth of the now defunct Switchmen's Mutual Aid Association, the reorganization having taken place during the year 1897. At one time the Mutual Aid Association was a large and influential organization. In 1892 it reported that there were 158 subordinate lodges of the organization in 35 States and Territories, and 2 in Canada. The membership was said to be about 10,000. The lodges paid benefits to members in case of accident, and the association, in accordance with a regulation adopted in March, 1886, paid a death and total disability benefit of $900. The task of organizing the switchmen was a difficult one, and the leaders seem to have been lacking in conservatism and honor. The Mutual Aid Association was "dissolved through disintegration and a defalcation on the part of their secretary and treasurer." The disintegration was doubtless mainly due to the formation of the American Railway

a Constitution of the Brotherhood of Railway Carmen.

Union. However, those most interested in the successful organization of the switchmen did not give up because of the disruption of the association. The Switchmen's Union was established, and its secretary reported in September, 1897, that the new organization then had 19 lodges and 500 members. Thus far the union has made no provision for the payment of life or disability insurance, but the local lodges pay weekly benefits varying from $3 to $7.

The Order of Railroad Telegraphers was founded in June, 1886, at Cedar Rapids, Iowa. The order is composed of men closely allied to the railway service, many telegraphers combining the work of operator with that of assistant station agent. Thus some telegraphers are railway employees and some are not. During its first five years the order was a fraternal organization, devoted mainly to the social and educational interests of its members, but in 1891 the "protective feature" was added. The isolation of the individual telegraphers has made their organization a difficult matter, but has not prevented success. There are at present about 120 divisions. The grand secretary is unable to give the membership. He estimates it to be "not over 20,000." It is probably somewhat less. At the last biennial convention, held May 17–26, 1897, the subject of insurance was discussed at length, and it was decided to submit a proposition to establish an insurance department to the lodges for approval or disapproval. The plan of insurance was prepared and published in the November, 1897, issue of the Railroad Telegrapher. The lodges voted on the proposition during November and December, the result of the vote being in favor of the proposition. The mutual benefit department went into operation January 1, 1898.

The now defunct American Railway Union has been referred to several times. It was instituted through the efforts of Mr. Eugene V. Debs, June 20, 1893. The union did not organize a benefit department, although one of its six declared purposes was "to have a life (insurance) as well as a disability department, both to be optional with the membership."(*a*) The American Railway Union was an organization of a type very different from the brotherhoods. It attempted to unite all classes of railroad employees for the purpose of asserting and maintaining the rights of labor by more radical and aggressive measures than those which the brotherhoods had adopted. The leader of the union has become a socialist and has changed the organization into the Social Democracy of America. This substitution was made at Chicago in June, 1897. According to its national secretary, the Social Democracy is "an organization whose ultimate purposes are the inauguration of a cooperative commonwealth; but as a means of immediate relief some political demands are included in the declaration of principles. It is proposed to secure land in some Western State and establish cooperative colonies, where we expect to equip at least a few of the multiplied

a Constitution of the American Railway Union.

thousands who are now without any visible means of support, and place them in a position where they can support and maintain themselves."

Each of the existing brotherhoods includes in its scheme of organization a benefit department under that name or some other. All of these brotherhoods having benefit departments have a more or less systematic plan for affording accident and sick relief, and each of them, excepting the Switchmen's Union, enables its members to secure life and disability insurance. We shall be able to appreciate these insurance and relief departments better if we pause to consider in outline the general plan of brotherhood organization within which the benefit department is included.

GENERAL PLAN OF ORGANIZATION OF THE BROTHERHOODS.

Like the other laboring men's associations of the better class, the objects of the brotherhoods of railway employees are partly social and educational, but the main purposes which they seek to accomplish are the betterment of the industrial status of their members and the promotion of their economic interests as employees. The Brotherhood of Locomotive Engineers declares that "its purpose shall be to more effectually combine the interests of locomotive engineers, to elevate their standing as such, and their character as men." The organization which the brotherhoods have instituted to enable them to accomplish these aims consists of local subordinate lodges or divisions and a central governing body of officers called the grand lodge or grand division. Conventions, now biennial, but formerly annual, composed of delegates from all the divisions, choose the grand officers, frame the constitutions, statutes, and by-laws, and determine all matters of general policy.

The brotherhoods concern themselves with wage schedules, hours of labor, gradations and promotions, stipulations of the contracts which employees are required to sign, and the other similar questions with which labor organizations deal. In 1896 the Brotherhood of Locomotive Engineers had contracts with 107 railroad companies, including nearly all the great trunk lines. "These contracts embody rates of pay and rules and regulations governing overtime, treatment of the employees, and for the prevention of unjust discharge or suspension."

Each brotherhood has "committees of adjustment" or "grievance committees," whose function it is to assist in the adjustment of differences arising between the members and their employers. Each subordinate division or lodge has such a committee, and for each line or system of railroad along which a brotherhood has several lodges or divisions, there is usually a general grievance committee composed of the chairmen of the local committees.(*a*) Any member may bring

a The constitutional provisions of the brotherhoods of Railway Carmen and Railway Trackmen concerning grievance committees differ somewhat from the provisions

before his division or lodge any grievance which he may have as an employee, and the same will be considered by that body. If the grievance is considered to be of sufficient importance to be taken up, the standing committee on adjustment of grievances is instructed to try to adjust the matter with the proper representative of the employer. If the local committee is not successful, the question is referred to the general committee. From this committee the case may be taken to the grand chief officer. As a last resort a strike may be ordered.

Some brotherhoods are more radical than others, but as a whole the brotherhoods are more conservative regarding strikes than most other labor organizations have been. During the early history of the brotherhoods the sentiment against strikes was general and strong, and strikes were rigidly prohibited; but as the labor problem grew more complicated in this country the brotherhoods changed their policy regarding strikes. The brotherhoods of conductors, firemen, and trainmen each maintain a special "protective fund" of $100,000, from which fund, augmented by special temporary assessments, the members who may be ordered to strike receive stipulated monthly payments that begin with the third week of the strike.

The constitution of each of the larger railway employees' organizations provides for the appointment of a legislative board for each State and Territory "to take charge of all matters coming before the legislature wherein the interests" of the brotherhoods are involved. The constitution of the brotherhoods of trainmen and firemen make it the duty of their legislative boards "to use their influence by cooperating with the representatives of other labor or industrial organizations, or otherwise, to secure the enactment of such laws and the repeal or modification of such others as in their judgment will best promote the interests of their constituents."

Such, in general, are the purposes of the brotherhoods, and such is the organization by which the brotherhoods seek to conserve and promote the interests of their members as employees. The other prominent feature of their scheme of organization is the benefit department or insurance association maintained and carried on by the brotherhoods in more or less close coordination with the management of the organization as a whole. The salient features of these departments require a description that is sufficient to insure an accurate presentation of the plan of relief and insurance now in force with the brotherhoods.

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of the other brotherhoods. The carmen have two grievance committees; one is the local committee connected with the lodge; the other, "the general grievance committee," is composed of the executive board of the grand lodge and the grand chief and the grand secretary. The constitution of the trackmen makes no provision for the appointment of a standing grievance committee by each subordinate division; there is a grievance committee for each system of railroad and a "supreme grievance committee," consisting of the salaried officers of the grand division.

PLAN OF ORGANIZATION OF THE BENEFIT DEPARTMENTS CONNECTED WITH THE BROTHERHOODS.

The relief and insurance organizations that the brotherhoods and orders have developed are similar in their more important features. A description of the benefit department of one large and representative brotherhood, such as the Order of Railway Conductors, will present an outline of the departments connected with all the other brotherhoods. After giving this description, attention will be called to the main points in which the departments connected with the other bodies differ from that of the Order of Railway Conductors. For the purpose of convenient comparison, a table containing the chief points in the organization of each of the departments is given at the close of this section.

The Mutual Benefit Department of the Order of Railway Conductors is "under the control and government of the grand division of the order," and is managed by an insurance committee of three persons and by two officers, a president and a secretary. The committee is elected by the grand division of the order; the president and secretary are, respectively, the grand chief conductor and the grand secretary of the order. Membership in the department was voluntary on the part of members of the order previous to July 1, 1891, but since then every person joining the order has been obliged to enter the benefit department if his physical condition was satisfactory.

The department issues certificates in five series known as series A, B, C, D, and E, respectively for $1,000, $2,000, $3,000, $4,000, and $5,000. Those not over 30 years of age when joining are eligible to any series; those over 30 and not over 38 are eligible to series A, B, C, and D; those over 38 and not over 45 are eligible to series A, B, and C; those over 45 and not over 50 are eligible to series A and B; those over 50 and not over 60 are eligible to series A. Members over 60 years of age are not admitted to the benefit department. The fees for joining are $1 for each $1,000 of insurance taken. All fees received by the department are placed to the credit of the expense account. The constitution provides that an assessment of $1 per $1,000 of insurance shall be levied on each member on the first day of each of the following eight months: January, February, April, May, July, August, October, and November. An assessment of $2 per $1,000 is levied on the first days of the other four months if the current losses require the collection of that amount from the members. "Should the amount thus provided prove insufficient to pay the approved claims against the department, the secretary shall, by and with the advice and consent of the insurance committee, levy extra or special assessments in such sums as are directed." The assessments actually levied on each $1,000 have usually amounted to $14 a year.

The funds collected for the mutual benefit department are kept dis-

tinct from the general funds of the order. The same person, however, is treasurer of both the grand division of the order and the benefit department; and the insurance committee, which is the executive head of the department, is subject to the higher authority of the grand division. The insurance organization is a "department" of the order and not an association with a separate management.

The members of the department secure both life and disability insurance. The nature and amount of both kinds of insurance is fully discussed in subsequent sections of this report. The constitution of the department provides, in regard to disability insurance, that "if any member becomes disabled by the loss of a hand or foot, or by the total loss of the eyesight, or the total loss of the sense of hearing," he shall receive the full amount of his insurance and be relieved from future assessments. It is also provided that when any member of the benefit department becomes "totally and permanently disabled from performing any labor" from causes other than the above "the insurance committee may order his assessments in the benefit department paid from the expense fund of the department, charging the same against such member's certificate, and deducting all such sums from his benefit when finally paid."

The Brotherhood of Locomotive Engineers, unlike the conductor's order and the other brotherhoods, has separated its insurance department from the rest of its organization and placed it under a distinct management. The Locomotive Engineers' Mutual Life and Accident Insurance Association was incorporated under the laws of the State of Ohio in 1894. The officers of the association are a president, a vice-president, and a secretary, and nine trustees who are chosen by the association, not by the brotherhood. "No grand officer of the Brotherhood of Locomotive Engineers is eligible to the office of trustee of this association." The five highest grand officers of the brotherhood are ineligible to office in the insurance association, not only because the constitution of the brotherhood requires them to give all their time to that organization, but also because the charter of the association would not permit the same men to be officers of both organizations.

Membership in the insurance department is made compulsory by the four large brotherhoods that have such departments. The trackmen and carmen make participation in the insurance organization of their brotherhoods voluntary. In the case of the Switchmen's Union the life-insurance feature is wanting, and the only relief is that provided by the local lodges.

The amounts for which members of the various brotherhoods may insure differ largely with the several organizations. In general, larger policies are issued by those brotherhoods whose members receive higher wages. As noted above, members of the Order of Railway Conductors may insure for $1,000 and for multiples of that sum up to a maximum of $5,000. The Engineers' Insurance Association insures for "stipu-

lated amounts from $750 to $4,500 by the issue of policies of $750 and $1,500 each." The beneficiary certificates issued by the firemen are of three amounts—$500, $1,000, and $1,500. The trainmen's brotherhood issues certificates for $400, $800, and $1,200, and any member may "carry either or all three classes." The trackmen, up to January 1, 1897, provided only $1,000 certificates, but now they also issue one for $500. The Carmen's Mutual Aid Association provides for paying the beneficiary of the insured the amount of one full assessment of $1 upon each member, the total amount paid not to exceed $1,000.

The assessments levied by the brotherhoods are determined by various criteria. The Order of Railway Conductors assesses all of its insured members a fixed sum per $1,000 of insurance carried, the rate of the assessment being the same on small policies as on large ones. The amount of the insurance which a member may carry is determined by the age at which he joins the order. Thus the members whose insurance involves the greater risk are allowed to take out only relatively small policies. The assessments levied by the Locomotive Engineers' Mutual Life and Accident Insurance Association are based pro rata on all policies, and, like the benefit departments of all the other brotherhoods with the exception of the Order of Railway Conductors, it does not make the amount of the policy issued depend on the age of the member joining, but no one more than 50 years of age may join the Engineers' Insurance Association.

In the Brotherhood of Locomotive Firemen and the Brotherhood of Railroad Trainmen only those members who join when not over 45 years of age are permitted to participate in the benefit department. Those members who are eligible to the benefit department are permitted to choose, without any limitation as regards age, which of the three policies they will carry. The assessments, determined solely by the amount of the insurance certificates, are levied on the first of the month as often as may be required to meet outstanding claims, and not on fixed dates, as is the case with the assessments of the benefit department of the Order of Railway Conductors. The Brotherhood of Railway Trackmen permits each member to choose which, if either, of the two policies offered he will take, viz, one for $500 or one for $1,000. It requires the holders of these policies to pay monthly assessments of 50 cents and $1 respectively, and "such additional assessments as may be necessary." No person is eligible to membership in the benefit department of the trackmen who is over 55 years of age. The Carmen's Mutual Aid Association requires all members to pay quarterly dues of 15 cents, "to be applied to defray the expenses of the association," and levies an assessment of $1 per member upon notice of the death or total disability of a member. The age limitation placed upon securing membership in the association is 60 years.

The relation which the funds collected by the brotherhoods for the maintenance of their benefit departments bear to the general treasuries

and the general funds of the brotherhoods is a subject of much importance. In this particular three arrangements exist. The Locomotive Engineers' Mutual Life and Accident Insurance Association is a chartered organization distinct from the brotherhood. The treasuries of the two organizations have no connection whatever. On the other hand, "the beneficiary funds" of the Brotherhood of Locomotive Firemen and the receipts from the dues paid by the members to the grand lodge are combined in one common fund. Section 42 of the constitution stipulates that "the grand lodge shall establish and maintain a fund for the payment of all debts, to be known as the general fund. Into this fund all assessments made to pay beneficiary certificates shall be paid." On at least two occasions money taken from the general fund has been placed to the credit of the beneficiary fund. In 1885 $10,000 and in 1887 $14,457 were so transferred. The "beneficiary funds" of the Brotherhood of Railroad Trainmen are kept separate from the general funds of the brotherhood, "and the assessments received in the beneficiary department are used for no other payment of claims. All expenses (of managing the beneficiary department) are paid from the general fund." The Conductors' Mutual Benefit Department keeps its funds distinct from those of the order, and bears the expenses of carrying on its work. With the exception of the Engineers' Insurance Association, however, the benefit departments are managed by the same officers as the brotherhoods are. In such a plan of organization there are administrative advantages, but there are also possible financial dangers involved that might be avoided by fully separating the administration of the benefit departments from the general management of the remainder of the brotherhoods' activities. The conductors, trainmen, carmen, and trackmen have a financial plan that stands midway between the plans that have been adopted by the engineers and firemen.

Of these three methods of financiering the first and third are preferable to the second. The best interests of the insurance and relief organizations demand a financial policy that will permit no confusion to arise as to the amount of receipts necessary to be collected or regarding the source from which the funds obtained are drawn. The compulsory participation in the insurance department on the part of all eligible members does not render this separate financiering any less important. Both officers and members of the benefit department should always know how much it costs to maintain the department, and the managers should carefully adjust receipts and expenditures. The Engineers' Insurance Association, with an organization chartered under the laws of Ohio and distinct from the brotherhood, is best situated for the maintenance of sound and conservative financiering.

The table following shows the leading features of the benefit departments. The Switchmen's Union is omitted because its relief work is confined to the benefits paid by its subordinate divisions.

COST OF MEMBERSHIP AND INSURANCE IN THE BENEFIT DEPARTMENTS.

Organization.	Amounts for which certificates are issued.	Amonnt of insurance available to a member determined by—	Fees for insuring.	When assessments are levied.
Locomotive Engineers' Mutual Life and Accident Insurance Association.	Policies of $750 and $1,500 are issued. A member may carry policies amounting to $4,500.	Choice of member; maximum, $4,500.	Fifty cents for each policy issued.	An assessment for each death or disability. Assessments are levied monthly.
Order of Railway Condnctors' Mutual Benefit Department.	Policies of $1,000, $2,000, $3,000, $4,000, and $5,000.	Age of member on joining; maximum, $5,000.	One dollar per $1,000 of insurance.	Monthly.
Brotherhood of Locomotive Firemen: Beneficiary department.	Policies of $500, $1,000, and $1,500.	Choice of member; maximum, $1,500.	None distinct from those required to join the brotherhood.	Levied by grand lodge "as often as may be required." Members pay amounts assessed to their subordinate lodge in quarterly dues.
Brotherhood of Railroad Trainmen: Beneficiary department.	Policies of $400, $800, and $1,200.	Choice of member. The member may "carry either of three classes."	None distinct from those required to join the brotherhood.	The first day of each month, if the beneficiary fund requires it.
Brotherhood of Railway Trackmen: Beneficiary department.	Policies of $500 and $1,000.	Choice of member; maximum, $1,000.	The first month's assessment of $1 or $0.50 is payable in advance. No membership fee.	Monthly.
Brotherhood of Railway Carmen s Mutual Aid Association.	Amonnt of one full assessment, but not to exceed $1,000.	Only one certificate issued.	Membership fee of $0.50 and an "assessment of $1 paid upon making application."	Upon the death or total disability of a member.

Organization.	Amount of each assessment.	Manner of collecting assessments.	General remarks, initiation fees, etc.
Locomotive Engineers' Mutual Life and Accident Insurance Association.	For each death or disability: 25 cents for each $750 policy, and 50 cents for each $1,500 policy.	The division secretaries collect the assessments and forward the receipts to the general secretary and treasurer.	No assessments are made when fnnds on hand are sufficient to pay the claims. The initiation fee for joining the brotherhood is $10.
Order of Railway Conductors' Mutual Benefit Department.	A dollar per month per $1,000 of insurance for 8 months; $2 a month for the other months if required.	By grand secretary and treasurer direct from members.	A minimum fee of $5 is exacted of every person upon joining the order.
Brotherhood of Locomotive Firemen: Beneficiary department.	Assessments of grand lodge are $0.75, $1.50, and $2, respectively, on the three grades of certificates.	Grand lodge levies on subordinate lodges. Subordinate lodges levy qnarterly insurance dues of not less than $4, $3, and $1.50, respectively, on holders of the three grades of certificates.	On joining, the member is required to prepay first year's grand dnes of $2 to the grand lodge and an initiation fee of $3 to the snbordinate lodge.
Brotherhood of Railroad Trainmen: Beneficiary department.	Seventy-five cents, $1.50, and $2, according to the amount of certificate held.	Grand secretary and treasurer levies on the "financiers" of subordinate lodges. Members make the payments as monthly dues to the subordinate lodges.	The fees for joining the brotherhood consist of a "proposition fee" of $1 and an initiation fee of not less than $1.
Brotherhood of Railway Trackmen: Beneficiary department.	One dollar for $1,000 and $0.50 for $500, and "such additional assessments as may be necessary."	Monthly assessments are collected and forwarded by the division secretaries.	The fees for initiation into the brotherhood are $2 for laborers and $3 for foremen. One dollar of each fee goes to local division.
Brotherhood of Railway Carmen's Mntual Aid Association.	One dollar. Dues of 15 cents per quarter are also collected to defray the expenses of the association.	By the secretary direct from members.	For joining the brotherhood "the initiation fee shall not be less than $1."

LADIES' AUXILIARIES: PLAN OF RELIEF WORK AND INSURANCE ORGANIZATION.

The ladies' auxiliaries to the brotherhoods are organizations which extend and supplement the relief and insurance work of the brotherhoods. The auxiliaries, modeled on the general plan of organization that the brotherhoods have, are the associations which the wives and sisters of the railway employees have instituted and built up to enable them to work for the betterment of their own intellectual and material condition and to assist the brotherhoods in their work of providing their members and their families with relief and insurance.

The objects which the Ladies' Auxiliary to the Order of Railway Conductors was established to accomplish are declared in the constitution to be:

First. To unite the interests of the wives of the members of the Order of Railway Conductors for moral and social improvement.

Second. To secure to its members support and assistance in time of sickness or distress.

Third. To provide for organizing subordinate divisions, and for the government, control, or dissolution of the same, all as may be provided in the laws and rules which may be adopted from time to time.

Fourth. To cooperate with the Order of Railway Conductors in further extending their interests and membership.

Fifth. Also to cheerfully sustain the cause of temperance, both in the grand division and subordinate divisions.

Like the brotherhoods, the auxiliaries have a plan of local relief work and an insurance organization managed by the central governing authority of the auxiliaries. This report would be incomplete if it did not include an account of the auxiliaries, and give the plan and results of their local relief work and their insurance feature.

There are five auxiliaries. The Grand International Auxiliary to the Brotherhood of Locomotive Engineers is the largest, and was organized at Chicago October 21, 1887. It had a membership in 1897 of nearly 6,000, and included 233 subdivisions "located at all important railroad centers in every State in the Union." There are also several in Canada. An insurance organization, called the Voluntary Relief Association, was added to the auxiliary March 5, 1890. The Ladies' Auxiliary to the Order of Railway Conductors dates from February, 1888. It had 105 divisions in June, 1897, and about 2,500 members. It has a voluntary benevolent insurance association that has been in operation since the beginning of 1896. The Auxiliary to the Brotherhood of Railroad Trainmen was organized at Fort Gratiot, Mich., January 23, 1889. In July, 1897, it had a membership of about 2,200 and comprised 122 divisions. It organized an insurance department in 1892. The Ladies' Society, Brotherhood of Locomotive Firemen, was instituted at Tucson, Ariz., April, 1887, although it was not until September, 1890, that it was formally recognized as an auxiliary by the Brotherhood of Locomotive Firemen. The society has a benevolent insurance association,

in which membership is voluntary. The last auxiliary to be established is the one connected with the Order of Railroad Telegraphers, it having been recognized by the order in 1897. The auxiliary has no insurance organization as yet, and for that reason is not further considered in this report.

The ladies eligible to membership in the Auxiliary to the Order of Railway Conductors are the wives of members of the order and the widows whose husbands died members of the order in good standing. The Auxiliary to the Engineers' Brotherhood has a similar regulation. The Auxiliary to the Brotherhood of Railroad Trainmen, however, does not restrict membership so closely. It admits "the mother, wife, or widow, sister, married or unmarried, or daughter of one of the members of the Brotherhood of Railroad Trainmen in good standing prior to the time of her application." The Ladies' Society to the Brotherhood of Locomotive Firemen has the same membership qualifications as the Trainmen's Auxiliary has.

The relief work of the auxiliaries is carried on mainly by the divisions or lodges. Each local organization has its committee or board of relief that takes direct charge of this work. Some of the divisions pay weekly sick benefits and some provide sick members with nurses. The grand president of the Ladies' Auxiliary to the Order of Railway Conductors says, in regard to the scope of the relief work of the divisions: "We visit the sick, care for those who are in need, and whenever there is a call for assistance in the family of a conductor we do all we can for them. Our particular work is in the families of our members, but we work for the families of order men (in times of need) whose wives do not belong to our order. We aim to do our work so no mention is made of what we do." The grand secretary of the Auxiliary to the Brotherhood of Locomotive Engineers reports that the subdivisions aid the needy families of deceased engineers, and says: "When engineers are out of employment we do not see them want." The auxiliaries have done much to organize and stimulate the charitable work of the women whose husbands and relatives are in the railway service.

Some relief work is done by the central organizations of each of the auxiliaries. A fund is set aside in the grand division of the Auxiliary to the Engineers' Brotherhood for the relief of worthy sisters who are in want, and the grand division has donated several hundred dollars in the past two years.

The auxiliaries have taken their general plan of insurance from the brotherhoods, and have made such changes as were necessary in order to adapt it to their membership. The auxiliaries to the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Ladies' Society, Brotherhood of Locomotive Firemen, make insurance voluntary; but the Auxiliary to the Brotherhood of Railroad Trainmen requires all members to insure. Assessments are levied monthly by

the conductors' auxiliary, and, at the death of a member, by the Relief Association of the Auxiliary to the Brotherhood of Locomotive Engineers, each member being required to pay 25 cents on each policy held. The constitution of the Auxiliary to the Brotherhood of Railroad Trainmen requires the levy of "an assessment on each member not exceeding 50 cents per death or disability." The Benevolent Insurance Association of the Ladies' Society, Brotherhood of Locomotive Firemen, collects 25 cents from each member when a death occurs.

The benefit paid by the auxiliary of the engineers to members holding one policy is equal to the net receipts from one assessment of 25 cents on each policy, provided that sum does not exceed $500. The sum paid at the present time is a little over $300. During the years 1893 and 1894 the Auxiliary to the Brotherhood of Railroad Trainmen paid insurance benefits of $200, but since that time the benefits have been $350. The Auxiliary to the Order of Railway Conductors makes an insurance payment of $200. The Ladies' Society, Brotherhood of Locomotive Firemen, pays the beneficiary the receipts of an assessment of 25 cents per member of the Benevolent Insurance Association.

The statistics of the insurance departments of the ladies' auxiliaries are given in a subsequent section devoted to the presentation of statistical data concerning the insurance organizations of the brotherhoods and auxiliaries.

AGED AND DISABLED RAILROAD EMPLOYEES' HOME.

In one case the relief afforded those who have been railway employees takes the form of a charity participated in jointly by the brotherhoods, the auxiliaries, and interested individuals. The Aged and Disabled Railroad Employees' Home, located at Highland Park, on Lake Michigan, 22 miles north of Chicago, was founded May 28, 1890, to assist sick, disabled, and dependent railroad employees.

The home is not a large institution, and merits attention more because of its ideals and methods than because of the number of persons to whom it renders assistance. During the year 1896, 14 persons were admitted. The number of inmates in July, 1897, was 20. The cash receipts of the home during the year 1896 were $7,654.97, obtained mainly from the contributions of the divisions of the brotherhoods and auxiliaries. The disbursements were $7,208.89, including $1,038 paid upon the debt previously incurred for the purchase of a lot and buildings for the home.

Besides providing the needy with a home and with hospital privileges, the home assists its more capable inmates to acquire a trade that will enable them to support themselves. In his report for the year 1896 the secretary says: "A fireman has learned a trade and is now in business for himself, doing fairly well. * * * One trainman, a bright young fellow, has so mastered the bicycle trade that in a

short time he will be so situated that he can earn enough to pay his own way. * * * Another trainman, a young man who came to us last March (1896) and started in to acquire the dental profession, is making phenomenal progress." This educational feature of the home is highly commendable. The best form of charity is that which makes those whom it assists industrially independent.

In its small way the home is doing very good relief work. The growth of the institution in the future and an extension of its activity in accordance with its present policy and ideals will add a strong feature to the general system of relief which the railway employees are developing as a safeguard against the consequences of misfortune.

It is probable that a home similar to the one near Chicago will be established by the Brotherhood of Locomotive Engineers. In November, 1897, the brotherhood purchased the "Meadow Lawn Farm," a place of 240 acres, near Mattoon, Ill. Action in regard to the establishment of "a home for the aged and needy members of the order" will not be taken by the brotherhood until May, 1900, when its next biennial convention will be held, but as the grand division has purchased the farm for the purpose of founding such a home it is probable that its action will be approved by the convention.

RELIEF AND INSURANCE PROVIDED BY ASSOCIATIONS OF EMPLOYEES OF SINGLE RAILWAY SYSTEMS.

There are so many beneficial associations whose membership is limited in each case to the employees of only one railway system that it will be impossible to include an account of all of them in this report. The beneficial associations of this type, like the benefit departments of the brotherhoods, represent the efforts which the employees, on their own part, are putting forth to secure the advantages of systematic relief and insurance, hence these associations belong, and in a preceding section of this report were placed, in the same category as the beneficial associations of the brotherhoods. The associations of both the types just mentioned are to be contrasted with the six relief departments that are connected with the railway corporations. An exhaustive treatment of the class of beneficial associations discussed in this section would require a report nearly as large as the present one. The purpose of this section is to present an outline of the character of the relief and insurance that railway employees secure through membership in these associations, and this can best be done by giving in some detail the plan of organization and the results accomplished by a typical New England association of 20 years' standing.

From the New England railway employees' associations making reports to the Massachusetts insurance commissioner I have selected the Old Colony Beneficial Association, which was organized in 1878 and incorporated July 24, 1882. It is a representative association, but either the Boston and Maine Railroad Relief Association or the Fitch-

burg Railroad Relief Association might have been selected with equal propriety.(*a*) The persons eligible to membership in the Old Colony Beneficial Association are the "employees of the New York, New Haven and Hartford Railroad, the Old Colony Railroad, the Old Colony Steamboat, the Boston Terminal, and the Union Freight Railroad companies who are less than 50 years of age and of good moral character, temperate in habits, and of sound physical health." Members leaving the employment of these corporations may continue their membership in the beneficial association. The association is governed by a board of directors "consisting of not less than 7 nor more than 13 members," the actual number being 7. The directors, the secretary, the treasurer, the three auditors, and the three trustees are elected by the association. The president and vice-president are chosen by the directors from their own number. Ordinary members pay $3 for admission fees; freight trainmen, $10. A benefit of $6 a week is paid to a member "who, in consequence of sickness or accident, becomes incapable of following some remunerative occupation, provided such disability does not proceed from immoral conduct on his part;" it being also "provided, however, that no benefits shall be paid for the first week's disability except in cases of accident, and that not more than 13 weeks' benefit shall be paid during any 52 consecutive weeks." The benefit paid on the death of a member is as many dollars as there are members of the association, "provided such sum shall not exceed $1,000."

The following tabular statement, taken from the fourteenth annual report of the directors and covering the first 14 years of the association's existence, shows the membership, amount of assessments, the benefits paid on account of death and sickness of members, and the amount it has cost the members to administer the affairs of the association. The showing made by the table is one of which the association may well feel proud.

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a The Boston and Maine Railroad Relief Association was organized in 1882 and had a membership January 1, 1897, of 1,515, a number considerably greater than the membership of the Old Colony Beneficial Association. The Fitchburg Railroad Relief Association, organized December 27, 1887, and the Boston, Revere Beach and Lynn Railroad Relief Association, instituted June 18, 1887, are much smaller organizations, their membership at the close of 1896 being 338 and 152, respectively. These four associations and the Boston and Maine Railroad Car Department, Eastern Division, Mutual Benefit Association, with a membership of 156 at the beginning of 1897, comprise the five relief organizations of steam railway employees in Massachusetts. The employees of three street railway companies have instituted similar organizations.

OPERATIONS OF THE OLD COLONY BENEFICIAL ASSOCIATION, 1883 TO 1896.

Year.	Members.	Deaths.	Claims for sickness.	Amount disbursed for benefits.			Total receipts.	Amount assessed each member, including dues.	Cost of administration.	
				Death.	Sick.	Total.			Total.	Per member.
1883....	264	*a* 5	33	*a* $1,340.00	$615.00	$1,955.00	$3,162.00	$10.40	$455.39	$1.72
1884....	333	2	43	328.00	769.00	1,097.00	3,410.93	6.00	551.69	1.66
1885....	347	4	79	1,351.00	2,314.00	3,665.00	4,689.64	11.50	454.15	1.31
1886....	394	3	55	1,113.00	1,422.00	2,535.00	4,126.31	9.30	562.88	1.43
1887....	435	1	60	826.00	1,428.00	2,254.00	4,627.62	8.20	555.60	1.28
1888....	487	6	64	2,852.00	1,696.00	4,548.00	6,321.52	12.00	572.84	1.18
1889....	511	5	64	1,955.00	1,970.50	3,925.50	5,597.59	10.00	503.33	.98
1890....	564	2	100	1,610.00	2,301.00	3,911.00	5,859.44	9.00	616.94	1.09
1891....	704	3	76	1,826.00	2,292.00	4,118.00	5,551.86	7.00	452.00	.64
1892....	934	10	121	7,527.00	3,123.00	10,650.00	11,621.84	12.00	791.81	.85
1893....	1,028	12	131	12,507.00	3,177.50	15,684.50	16,896.74	16.00	858.06	.83
1894....	1,051	11	115	9,926.00	3,282.00	13,208.00	15,103.90	14.00	900.44	.86
1895....	1,154	13	148	14,000.00	4,255.50	18,255.50	17,896.67	15.00	1,015.40	.88
1896....	1,197	16	151	14,000.00	4,223.00	18,223.00	20,769.92	17.00	1,116.26	.93
Total.	.....	93	.....	71,161.00	32,868.50	104,029.50	125,635.98	.....	9,406.79	.....

a Two deaths of previous years paid for in 1883.

ACCIDENT AND SICKNESS RELIEF—RELIEF WORK OF DIVISIONS AND LODGES.

The central organizations of six of the brotherhoods and orders enable their members to secure insurance payable in case of death or total disability. The loss of a hand or foot, or the total loss of sight, usually, but not always, constitutes a total disability. The loss of hearing is included by the Order of Railway Conductors. The definitions which the brotherhoods give to total disability vary considerably in detail. With the Brotherhood of Railway Trackmen the loss of one leg or arm gives the insured member a claim upon one-half the face value of his certificate. The Brotherhood of Locomotive Firemen pays the full amount of the insurance certificate to a member who becomes blind or nearly so, or who loses a hand or foot, and also includes among the totally disabled those members who may become "totally and permanently incapacitated from performing manual labor from consumption, Bright's disease of the kidneys, or total and permanent paralysis." The brotherhoods of the trainmen and carmen have the most comprehensive constitutional provisions of all the brotherhoods in regard to total disability claims. The Carmen's Mutual Aid Association provides that the "total disability of a member shall be the loss of both feet or both arms or both eyes, the loss of one arm or one leg, or such other causes as shall be decided upon by a competent board of physicians to be such as would forever debar him from gaining a living by manual labor." The constitution of the Brotherhood of Railroad Trainmen includes the above accidents in the list of disabilities and further provides that "other claims for total disability shall be referred to the grand master, first vice-grand master, and grand secretary and treasurer, who shall decide as to whether or not the disability is of such a nature as to totally and permanently incapacitate

the claimant from the performance of duty in any department of the train or yard service, and if the claim is approved by them, the claimant shall receive the full amount of the beneficiary certificate held by him."

The constitutions of the four large brotherhoods that had benefit organizations in 1897 provide that the assessment upon any insured member who may become incapacitated for labor because of sickness or other disability may be paid from the funds of the department or of the lodge to which the member belongs. The Engineers' Association will not carry the assessments for a member unless he has been in the association for 5 years, and the sums thus advanced must be paid back by the member as soon as he begins to receive wages of over $50 a month. The Order of Railway Conductors deducts the money advanced from the benefit when paid to the member. The Brotherhood of Locomotive Firemen and the Brotherhood of Railroad Trainmen make it incumbent upon the lodges to advance the assessments of unfortunate members. The constitution of the Brotherhood of Railroad Trainmen stipulates that "Should a brother in good standing become sick or disabled, his dues and assessments shall be paid by his lodge; in case of total disability * * * his dues and assessments shall be paid until his claim has been allowed or rejected by the grand secretary and treasurer. In all cases of disability and sickness the lodge shall determine how long such dues and assessments shall be paid. The amount of dues paid for the brother may be considered a loan and payment enforced."

The above regulations concerning disability insurance do not provide for the relief of members who are temporarily incapacitated because of sickness or accident. Neither are all forms of permanent disability included in the provisions just cited. The central organizations leave to the divisions or lodges a part of the burdens of caring for the permanently disabled and the entire work of affording temporary accident and sick relief. The brotherhoods permit the local organizations to pay sick and accident benefits if they choose, but usually with the restriction that "under no circumstances shall an allowance be made to a member thus sick or disabled by intemperance or other immoral conduct." Some of the divisions, as noted below, have organized local relief organizations and others have not.

Whether arrangements are made for the payment of weekly sick and accident benefits or not, the local branches all take that care of their sick members which is customary in fraternal organizations. The constitution of each brotherhood makes provision for the appointment by each lodge or division of a "visiting committee" or "board of relief," whose duty it is to see that all needy members are duly assisted. The constitution of the Brotherhood of Locomotive Firemen says: "It shall be the duty of the board of relief to visit sick and distressed members, and report at each regular meeting in writing all applications for relief, with their recommendations concerning the same. Upon the death of

a member they shall be empowered to make all necessary arrangements for the funeral, and render such assistance as may be required. They shall do all in their power to secure employment for worthy members and recommend to the lodge in writing such assistance as may be required to relieve members in distress." Money may be advanced to defray the funeral expenses of a needy member, but if such a member is insured, the sum advanced for the funeral is deducted from the amount of the certificate when that is paid to the beneficiary.

The brotherhoods are careful to protect the families of unfortunate members against suffering. The relief arrangements that the Brotherhood of Locomotive Engineers has established to protect the families of its members from want are typical. The following three sections of Article VIII especially deserve approval, and merit quotation:

SECTION 1. In case of the death of any brother in good standing, it shall be the duty of the chief engineer to appoint a committee whose duty it shall be to inquire as to the pecuniary situation of the family of the deceased brother; and should the committee report that they are in need of assistance, it shall be the duty of every member of the division to see that they are assisted by all honorable and reasonable means; that the children (if there be any) are not allowed to suffer or be neglected, and they shall extend over them their protection and care so long as they may stand in need of it.

SEC. 2. The widow of any deceased brother shall be assisted in every way and manner which may be deemed proper, and it shall be the duty of every individual member of the division to use every effort consistent with the rules of propriety to prevent her from coming to destitution or disgrace; and they shall treat her with respect and consideration so long as she may prove herself worthy.

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SEC. 4. It shall be the duty of the chief engineer, first engineer, second engineer, and chaplain to act as a relief committee, whose duties it shall be to visit the sick and provide them with any attention they may be in need of.

Complete statistical information regarding the amount of relief actually given by the divisions and lodges is practically unobtainable. It is optional with the local organizations whether they make provision for the systematic payment of sickness and accident benefits, and no reports are made to the central or grand division by those subordinate divisions that have systematically organized such relief. The only way to secure complete information on this phase of the relief work of the brotherhoods would be to obtain reports from the local divisions by applying directly to each of them; but as their total number reaches into the thousands that plan was not feasible.

In 1892 the first grand engineer of the Brotherhood of Locomotive Engineers reported to the Interstate Commerce Commission (*a*) that

a In 1892 the secretary of the Interstate Commerce Commission made a report to the Commission on the relations between railway corporations and their employees This report was the continuation of an investigation made by the Commission in 1889. Consult the annual reports of the Commission for 1889 and 1892.

"a majority of the subdivisions have also a health association which pays $10 per week to its members who may be sick for one week or more." An historical sketch published by the Brotherhood of Locomotive Engineers in 1896 states that a large number of the divisions have a weekly indemnity insurance, each having their own law, which varies in the amount of dues and indemnity. The weekly indemnity is usually about $12. In the report to the Commission in 1892 the grand master of the Brotherhood of Railroad Trainmen reported that "most of the subordinate lodges provide for payment of sick benefits in amounts ranging from $2 to $8 per week." For the Switchmen's Mutual Aid Association, the predecessor of the existing Switchmen's Union, it was reported by the vice grand master: "There is a local branch of the brotherhood in Chicago which pays out on an average in weekly benefits to individual members for injury over $1,200 per quarter, and this is the case to a greater or less extent in every city of any considerable size in the United States." These remarks are doubtless loose statements, but they at least show that many of the divisions and lodges maintain organizations for the payment of sick and accident benefits.

In a letter written October 18, 1897, the grand secretary and treasurer of the Brotherhood of Railway Carmen makes the following statements regarding the benefits paid by lodges of that brotherhood: "Each lodge is authorized to provide for its sick benefits, and it is not compulsory. The amounts vary in the different subordinate lodges. The most common amount is $5 per week. There are very few lodges that have not a sick benefit provided for in their by-laws. The sick benefit fund is contained in the general fund of the lodge, and is provided for by making the monthly lodge dues of members commensurate with the needs for the purpose. The by-laws of any lodge may be amended at any time; and should it be found that the funds in the treasury are too low for the necessary expenses, including sick benefits, they may be raised; and should at any time an unnecessary amount of funds accumulate in the treasury, the dues may be reduced. The usual amount of monthly dues per member where the sick benefit is $5 per week is 50 cents per month, while 30 cents per month is sufficient to maintain a sick benefit of $3 per week." The secretary states that he can not give exactly the aggregate sum paid in sick benefits, "for want of information from some of the subordinate lodges, but the total for the last six years will exceed $15,000." These funds were received from local dues paid monthly to create a benefit fund. It will be remembered in this connection that the membership of the Brotherhood of Railway Carmen is small.

A concise and complete presentation of the facts regarding the relief work of a few representative divisions will indicate clearly the nature and amount of relief work that is carried on by all the local organizations that have made provision for systematic aid. A divi-

sion of the Brotherhood of Locomotive Engineers located in Cedar Rapids, Iowa, a Philadelphia division of the Order of Railway Conductors, a Minneapolis lodge of the Brotherhood of Locomotive Firemen, and a Philadelphia lodge of the Brotherhood of Railroad Trainmen are representative divisions of their respective brotherhoods, and their relief organizations are among the best.

The relief organization connected with the Cedar Rapids Division (No. 159) of the Brotherhood of Locomotive Engineers was instituted May 1, 1887. The officers are a president, a secretary-treasurer, and an executive committee of 5 members. The secretary-treasurer is the only officer paid for services, and his pay consists only of the remission of his assessments. The initiation fee is $1 and the assessments are, theoretically, 50 cents a month, but in reality they vary with the needs of the treasury. The assessments cease when there are $200 in the treasury and are resumed when the balance on hand falls to $100. The membership and the assessments of the organization for the first 10 years—May 1, 1887, to April 30, 1897—were as follows:

MEMBERSHIP AND ASSESSMENTS OF RELIEF ORGANIZATION OF CEDAR RAPIDS DIVISION, NO. 159, BROTHERHOOD OF LOCOMOTIVE ENGINEERS, 1887 TO 1897.

Year.	Members.	Assessments per member.	Year.	Members.	Assessments per member.
1887 (*a*)	33	*b* $4.00	1893	64	$7.50
1888	37	.50	1894	64	2.50
1889	39	6.00	1895	59	6.00
1890	47	3.50	1896	61	8.50
1891	53	4.00	1897 (*c*)	63	*d* 3.00
1892	62	10.00			

a May 1 to December 31.
b Including $1 initiation fee. There were six assessments in 1887 of 50 cents each. The receipts in 1887 were sufficient to carry the association through the succeeding year with only one additional assessment.
c January 1 to April 30.
d Three assessments of $1 each were made in January, February, and March.

During the 10 years ending April 30, 1897, the total receipts of the association were $3,012.50 and the disbursements were $2,872.50. Twenty-two persons now on the rolls were charter members, and their total assessments have been $55.50, which would make their average annual payments $5.55, less than 50 cents a month. Benefits of $1.50 per day, including Sundays, are paid to members who are suffering from sickness or accident. The payments commence on the eighth day of the illness and may be continued for a year.

The West Philadelphia Division No. 162, Order of Railway Conductors, is a large organization with over 200 members. It maintains a fund for the payment of sick and death benefits, and requires all members to contribute to the fund. The benefit paid a sick member is $1 a day, including Sundays, for a year, and 50 cents a day thereafter during the continuance of the illness. A benefit of $50 is paid upon the death of a member, and $25 upon the death of a member's wife. During the first 10 months of 1897, the average number of persons

receiving aid each month was 10. The average total relief paid per month by the division during this period was $213.20. The assessments are levied at the beginning of each month and vary in amount according to the needs of the treasury. They average about $1 a month for each member.

The following table, covering the calendar years 1895 and 1896 and the first 10 months of 1897, shows the membership, assessments levied, and benefits paid:

STATISTICS OF SICK AND DEATH BENEFIT FUND OF WEST PHILADELPHIA DIVISION NO. 162, ORDER OF RAILWAY CONDUCTORS, 1895 TO 1897.

Year.	Membership at close of year.	Assessments per member.	Total received from assessments.	Total benefits paid.
1895	182	$12.00	$2,161.73	$2,009.75
1896	203	10.75	2,069.50	1,976.50
1897 (*a*)	210	11.00	2,185.00	2,1?2.00

a January 1 to November 1.

The Northwestern Lodge No. 82, Brotherhood of Locomotive Firemen, has regulations providing for the payment of weekly benefits to sick and disabled members. The board of relief is empowered to pay any member "the sum of $6 a week for any sickness or injury causing a total loss of time for any period exceeding 2 weeks." The benefits can not be claimed by a member for more than 26 weeks in one year; but "the board of relief can in cases of continued disability advance benefits from time to time as they deem necessary." The rules also provide that the "lodge may, in addition to the regular payment of $6 a week, provide a nurse at not to exceed $2 per day for any member needing the same who may be unable to incur such expense." The assessments levied to defray the expense of making these weekly payments are included in the lodge's quarterly dues. A member of the lodge who is insured for $1,500 in the beneficiary department of the Brotherhood of Locomotive Firemen pays quarterly dues of $5.50; thus $22 a year pays for a life insurance of $1,500, gives a claim to a benefit of $6 a week, and defrays the member's share of the general expense of the lodge. Between July 1, 1896, and June 30, 1897, the lodge paid weekly benefits amounting to $336 with an average membership of 50.

As an example of the local relief of the Brotherhood of Railroad Trainmen, an account of Mantua Lodge No. 160, of Philadelphia, may be given. This lodge pays a weekly benefit of $5 to sick and disabled members. The assessments are 50 cents per month, but the receipts from these assessments cover both the relief expenses and a large part of the lodge's running expenses. A portion of the running expenses are met by the receipts from two entertainments given each year, from which about $300 is obtained. The membership, annual benefits, and total relief payments for the five years beginning January 1, 1893, and ending November, 1897, are given in the table following.

MEMBERSHIP OF MANTUA (PHILADELPHIA) LODGE NO. 160, BROTHERHOOD OF RAILROAD TRAINMEN, AND BENEFITS PAID, 1893 TO 1897.

Year ending December 31—	Membership at close of year.	Total benefits paid.
1893	127	$752.50
1894	136	940.50
1895	140	647.50
1896	156	440.00
1897 (a)	150	850.00
Total	.....	3,630.50

a Ten months.

STATISTICS OF INSURANCE AFFORDED BY THE BROTHERHOODS AND AUXILIARIES.

Brotherhood insurance covers death and total disability. It has been possible to secure fairly complete statistics of the insurance provided by the benefit department of each brotherhood. The data here given were obtained from the grand secretaries and treasurers, to whom were sent a list of questions and blank tables to be filled in with statistics. The tables included in this section of the report, besides giving the statistics of the insurance feature of each brotherhood, contain certain other instructive facts, to which reference is made in the discussion accompanying the tables.

The mutual benefit department of the Order of Railway Conductors is as fully developed and highly organized as that of any of the brotherhoods. The scope of its insurance work is shown in the following table prepared by the grand secretary and treasurer of the order:

STATISTICS OF THE MUTUAL BENEFIT DEPARTMENT OF THE ORDER OF RAILWAY CONDUCTORS OF AMERICA, 1892 TO 1896.

Year ending December 31—	Membership of order at close of year.	Divisions at close of year.	Membership of mutual benefit department at close of year.	Assessments levied upon series—					Assessments per $1,000 of insurance carried.	Number of benefits paid in series—					Total benefits paid.	Total insurance outstanding.
				A	B	C	D	E		A	B	C	D	E		
1892	20,224	318	9,942	$14	$28	$42	$56	$70	$14	31	8	63	1	a	$392,870.40	$22,347,000
1893	20,356	337	12,266	15	30	45	60	75	15	43	14	77	2	2	320,000.00	26,143,000
1894	19,253	363	12,704	16	32	48	64	80	16	56	39	60	4	3	345,000.00	26,027,000
1895	19,737	370	13,582	14	28	42	56	70	14	56	28	65	8	1	344,000.00	27,395,000
1896	19,810	373	14,619	14	28	42	56	70	14	61	31	58	8	2	339,000.00	29,267,000

a Paid 61 old $2,500 claims.

The table shows how the reduction in the number of railway employees, which was made necessary by the adverse business conditions that prevailed in 1893 and 1894, cut down the total membership of the Order of Railway Conductors. The formation of the American Railway Union probably had but little effect upon the conductors' order. The number of the divisions increased during the years 1893 and 1894.

The membership in the mutual benefit department also increased at this time, but at a slower rate than usual. The business revival of 1897 and the consequent increase in the staff of railway employees are being accompanied by an accelerated growth in the membership of all the brotherhoods.

As regards the distribution of the members among the five series of certificates issued, the secretary's reports show that three-fourths of the members are in series A and C, and that most of the other fourth are in series B. From the preceding table it will be observed that the average insurance carried per member was in 1896 about $2,000. The cost of the insurance has usually been $14 a year per $1,000 carried, the exceptional years of 1893 and 1894 showing a cost above the ordinary average. The average amount of insurance carried by the members of the Order of Railway Conductors is relatively large and the cost is low. The conductor's position is a less dangerous one than many others in the railway service.

The grand secretary of the Brotherhood of Railroad Trainmen prepared the following table, covering the work of the beneficiary department of that brotherhood from its beginning to the end of 1896. It will be instructive to give a complete presentation of the activity of one brotherhood, and the table is printed in full as submitted. There is a special reason why the statistics of the beneficiary department of the Brotherhood of Railroad Trainmen should be fully considered. The work of the trainmen is especially dangerous, and the death rate of the membership of the brotherhood is a high one. From the organization of the department in 1884 to December 31, 1896, 3,461 claims were paid, amounting to $3,667,904.18. The cost of the insurance is relatively high.

STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF RAILROAD TRAINMEN, 1884 TO 1896.

Fiscal year ending August 31—	Membership of brotherhood at close of year.	Subordinate lodges at close of year.	Membership of beneficiary department at close of year.	Amount assessed each member holding a certificate for—					Assessments per $1,000 of insurance carried.	Number of claims paid.	Total paid on insurance claims.
				$400	$600	$800	$1,000	$1,200			
1884.....	901	37	876	.....	.....	.....	.....	.....	.....	.....	.....
1885.....	4,766	155	4,703	$18	.....	.....	.....	.....	$45.00	27	$6,596.82
1886.....	7,993	230	7,914	.....	$18	.....	.....	.....	30.00	83	44,976.63
1887.....	8,622	241	8,476	.....	18	.....	.....	.....	30.00	127	99,100.00
1888.....	11,483	267	11,209	.....	.....	$18	.....	.....	22.50	165	123,106.25
1889.....	13,562	320	13,322	.....	.....	.....	$20	.....	20.00	221	253,318.00
1890.....	14,057	369	13,837	.....	.....	.....	24	.....	24.00	271	274,027.25
1891.....	20,409	422	20,198	.....	.....	.....	24	.....	24.00	346	368,637.05
1892.....	24,431	489	24,131	.....	.....	.....	.....	$23	19.16	391	441,221.00
1893.....	28,540	516	28,219	.....	.....	.....	.....	23	19.16	547	573,203.00
1894.....	22,359	491	22,070	.....	.....	.....	.....	24	20.00	532	590,310.20
1895-96(a)	22,326	499	21,846	9	.....	18	.....	.....	22.50	751	b893,407.98
				.....	.....	.....	.....	24	20.00		

a From August 31, 1895, to December 31, 1896—sixteen months.

b This total is made up of the following items: 12 $400 certificates, $4,800; 3 $800 certificates, $2,400; 33 $1,000 certificates, $33,000; 679 $1,200 certificates, $814,800; 1 $2,000 claim, $2,000; 11 $2,400 claims, $26,400, and 12 miscellaneous certificates (where interest and attorney fees are added by courts), $10,007.98.

The statistics of the Brotherhood of Railroad Trainmen for the years 1893 to 1895 show that the membership of the organization was seriously affected by the American Railway Union and the business conditions of those years. The membership is at present rapidly increasing. Until August, 1895, only one grade of certificates was issued at any one time to members. At first the amount of each member's insurance was made $400; but it was later raised, first to $600, then to $800, afterwards to $1,000, and finally, in 1892, to $1,200. In 1895 the brotherhood began issuing three grades of certificates, their amounts being, respectively, $400, $800, and $1,200. The cost to the members of carrying the insurance has been higher in the Brotherhood of Railroad Trainmen than in the other brotherhoods. The assessments during the second, third, and fourth years were especially large. Those years, however, seem to have been exceptional, for, with the exception of them, the annual assessments have averaged about $21 per $1,000 of insurance carried. This relatively large cost of insurance as compared with the assessments of the other brotherhoods is easily explained by comparing the death and disability rate obtaining with the several brotherhoods. During the year 1894, for instance, the claims paid by the Firemen's Beneficiary Department equaled a little less than 11 per 1,000 members; during the same year the Conductors' Mutual Benefit Department paid somewhat over 11 claims for each 1,000 members; whereas the death and disability claims paid by the beneficiary department of the Brotherhood of Railroad Trainmen averaged for the five-year period from 1890 to 1894, inclusive, 18.5 per 1,000 members. During the year 1894 the rate was as high as 24 per 1,000 members.

No record of outstanding certificates was kept previous to 1895. The plan of issuing three grades of certificates had been in operation only a little over a year at the close of the year ending December 31, 1896. At that time the outstanding certificates were as follows: 1,141 class A members, carrying $400 certificates, $456,400; 361 class B members, carrying $800 certificates, $288,800; 20,152 class C members, carrying $1,200 certificates, $24,182,400; 1 member carrying class A and B certificates, $1,200; 20 members carrying class A and C certificates, $32,000; 137 members carrying class A, B, and C certificates, $328,800; 34 members carrying class B and C certificates, $68,000; making a total of 21,846 members carrying certificates amounting to $25,357,600.

This classification indicates that there was quite a large demand for the insurance certificates of the lowest class. Possibly better times and more steady employment at higher wages may check the tendency of members to insure for the smaller amounts.

The Locomotive Engineers' Mutual Life and Accident Insurance Association was chartered in 1894. Before that date the association was more closely connected with the general organization of the brotherhood. The statistics covering the history of the three years of the association's work are given in the table following.

STATISTICS OF THE LOCOMOTIVE ENGINEERS' MUTUAL LIFE AND ACCIDENT INSURANCE ASSOCIATION, 1894 TO 1896.

Year ending December 31—	Membership of brotherhood March 31.	Divisions at close of year.	Membership of insurance association at close of year.	Assessments levied upon holders of certificates of—				Assessments per $1,000 of insurance carried.	Total claims paid.	Total insurance outstanding.
				$750.	$1,500.	$3,000.	$4,500.			
1894.....	32,023	536	16,009	.....	$25.00	$50.00	$75.00	$16.67	$409,500	$30,900,000
1895.....	31,004	533	16,872	.....	21.75	43.50	65.25	14.50	568,500	31,480,500
1896.....	30,309	535	18,739	$11.75	23.50	47.00	70.50	15.67	602,250	40,344,750

The membership of the Brotherhood of Locomotive Engineers is larger than that of any other brotherhood. The number insured is considerably less than the total membership of the brotherhood; but as insurance is now compulsory for all who are qualified to join the insurance association, the membership of the latter organization is rapidly gaining on that of the brotherhood. The certificates for $750 were first issued in July, 1896. The annual assessments levied per $1,000 of insurance carried average somewhat more than those levied by the mutual benefit department of the Order of Railway Conductors, but much less than the average annual assessments of the beneficiary department of the Brotherhood of Railroad Trainmen. The average amount of insurance per member outstanding at the close of 1896 was $2,153. This average is larger than that of any other brotherhood.

The following table contains the statistics of the recent growth and present condition of the beneficiary department of the Brotherhood of Locomotive Firemen:

STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN, 1892 TO 1897.

Fiscal year ending July 31—	Membership of brotherhood at close of year.	Lodges at close of year.	Membership of beneficiary department at close of year.	Amount assessed each member holding a certificate for—			Number of benefits paid for each class.			Total claims paid.	Total insurance outstanding.
				$500.	$1,000.	$1,500.	$500.	$1,000.	$1,500.		
1892.....	26,256	488	25,967	.....	.....	$16.00	.....	.....	267	$399,250.00	$38,950,500
1893.....	28,681	506	28,550	.....	.....	16.00	.....	.....	318	476,750.00	43,825,000
1894.....	26,508	517	26,377	.....	.....	14.00	.....	.....	289	435,467.50	39,565,500
1895 (a) ..	21,408	484	21,282	$5.25	$10.50	14.00	12	1	211	333,816.50	32,107,000
1896 (a) ..	22,461	507	22,227	6.00	12.00	16.00	6	9	203	316,084.50	33,102,400
1897 (a) ..	24,251	523	24,118	6.00	12.00	16.00	25	8	202	324,726.00	34,424,500

a Fiscal year ending June 30.

The Brotherhood of Locomotive Firemen is one of the largest of all the brotherhoods, and the table shows that the enrollment is growing so rapidly that the membership will soon be equal to what it was before the formation of the American Railway Union and the occurrence of the recent business depression. The average annual cost of carrying $1,000 of insurance is very much lower, being less than in the

mutual benefit department of the Order of Railway Conductors. This is probably explained by the fact that the firemen, as a class, are younger men than the conductors. It is, however, surprising that this fact is not offset by the more dangerous character of the fireman's work as compared with the conductor's position. If the firemen are able to maintain their insurance in the future at the low average cost that has obtained during the past 5 years, their showing will be exceptionally favorable.

There are three classes of certificates issued at present. This has been the case only since June 30, 1895. It will be noted that the assessments are somewhat heavier upon the holders of the smaller certificates than upon the holders of the $1,500 certificates. That the members are mainly in the $1,500 class is shown by the fact that the average insurance per member is over $1,400. The total amount paid on life and disability insurance claims by the Brotherhood of Locomotive Firemen during the first 16 years—September 1, 1880, to June 30, 1897—was $4,161,147.20.

The Brotherhood of Railway Trackmen, as previously stated, is one of the younger and smaller organizations of railway employees. The statistics covering the 5 years of the history of the insurance department of the brotherhood from 1892 to 1896, inclusive, are as follows:

STATISTICS OF THE INSURANCE DEPARTMENT OF THE BROTHERHOOD OF RAILWAY TRACKMEN, 1892 TO 1896.

Year ending December 31—	Membership of brotherhood at close of year.	Subordinate divisions at close of year.	Membership of insurance department at close of year.	Amount assessed each member on $1,000 certificate.	Number of claims paid on $1,000 certificates.	Total claims paid.	Total insurance outstanding.
1892	970	68	970	$12.00	13	$13,000	$970,000
1893	1,150	86	1,150	12.00	17	17,000	1,150,000
1894	850	62	850	12.00	12	12,000	850,000
1895	1,080	78	1,080	12.00	14	14,000	1,080,000
1896	1,250	90	1,250	12.00	16	16,000	1,250,000

During the period covered by the foregoing table, membership in the insurance department was compulsory upon all members of the brotherhood. During this time, also, there was but one class of certificate issued, that for $1,000; but on January 1, 1897, the insurance was made voluntary, and a second grade of certificate, one for $500, was added. The table shows that the assessments were uniformly $12 a year per $1,000 of insurance; that is, $1 a month per member. This is also a low showing as regards assessments. However, the permanent members paid only $63,600 in assessments during the 5 years, although insurance claims amounting to $72,000 were paid within the same period. Of the $72,000 paid out, $8,400 was received from members who became delinquent after paying some assessments. According to article 8 of the constitution, which became effective January 1, 1897, "Every member carrying a beneficiary certificate of $1,000 shall pay

an assessment of $1 each month. Every member carrying a beneficiary certificate of $500 shall pay an assessment of 50 cents each month. Should the amount become inadequate to pay claims, the grand executive committee shall call such additional assessments as may be necessary to pay claims."

The Brotherhood of Railway Carmen's Mutual Aid Association is an organization with a very small membership. The following statistical data cover the period of 6 years ending June 30, 1897:

STATISTICS OF BROTHERHOOD OF RAILWAY CARMEN'S MUTUAL AID ASSOCIATION, 1892 TO 1897.

Fiscal year ending June 30—	Membership of brotherhood at close of year.	Lodges at close of year.	Membership of mutual aid association at close of year.	Amount of assessments levied.	Number of benefits paid.	Total benefits paid.
1892	5,000	135	70	$1.00	1	$70.00
1893	4,200	159	193	3.00	3	460.00
1894	2,900	110	141	2.00	2	283.00
1895	1,800	60	122	2.00	2	250.00
1896	740	12	60	1.00	1	57.00
1897	1,300	35	90	1.00	1	90.00

The causes that account for the decline of the Brotherhood of Railway Carmen during the three years following 1893 have been stated. Apparently the brotherhood and the Mutual Aid Association have both seen their worst days and have begun to grow stronger. As was previously noted, the payment of local sickness benefits is a prominent feature of the brotherhood, the sums distributed in such payments being several times the amount of insurance claims paid.

From the table following, compiled from the foregoing tables, the six brotherhoods having insurance organizations may be compared:

STATISTICS OF INSURANCE DEPARTMENTS OF THE BROTHERHOODS COMPARED.

Brotherhood.	Year ending—	Membership at close of year.	Divisions or lodges at close of year.	Membership of insurance department at close of year.	Assessments per $1,000 of insurance carried.	Total benefits paid.	Total insurance outstanding.
Order of Railway Conductors	Dec. 31, 1896	19,810	373	14,619	$14.00	$339,000	$29,267,000
Brotherhood of Railroad Trainmen	Dec. 31, 1896	22,326	499	21,846	22.50 20.00	*a* 670,056	25,357,600
Brotherhood of Locomotive Engineers	Dec. 31, 1896	*b* 30,309	535	18,739	15.67	602,250	40,344,750
Brotherhood of Locomotive Firemen	June 30, 1896	22,461	507	22,227	12.90	316,084	33,102,400
Brotherhood of Railway Trackmen	Dec. 31, 1896	1,250	90	1,250	12.00	16,000	1,250,000
Brotherhood of Railway Carmen	June 30, 1896	740	12	60	16.66	57	60,000
Total		96,896	2,016	78,741		1,943,447	129,381,750

a Estimated. The total for the 16 months from August 31, 1895, to December 31, 1896, was $893,407.98.
b March 31, 1896.

It will be noted that in 1896 the Brotherhood of Locomotive Engineers had the largest membership, and its insurance association had the largest amount of outstanding insurance, although the number of members of that brotherhood carrying insurance was less than the number insured in each of two other organizations. The total amount paid in benefits by the six brotherhoods was $1,943,447, and the total outstanding insurance was $129,381,750.

It was impossible to obtain as complete statistics of the insurance organizations of the ladies' auxiliaries as were secured regarding the brotherhoods. The insurance associations connected with the auxiliaries are not so thoroughly organized as those of the brotherhoods, and, with the exception of the Ladies' Auxiliary to the Brotherhood of Locomotive Engineers, their reports are not so complete. The insurance association in the case of the auxiliaries is not so prominent a feature of the general organization as it is with the brotherhoods.

The fullest statistical report was obtained from the auxiliary to the Brotherhood of Locomotive Engineers. The following table covers the first 6 years of the history of the Voluntary Relief Association, and shows the membership at the close of each of the three biennial periods, and gives the assessments, deaths, and insurance payments for each period:

STATISTICS OF THE VOLUNTARY RELIEF ASSOCIATION OF THE LADIES' AUXILIARY TO THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, 1892 TO 1896.

Biennial period ending March 31—	Membership of auxiliary at end of period.	Membership of relief association at end of period.	Number of policies held by members at end of period.	Assessments levied on each policy.	Number of claims paid.	Total insurance paid.
1892	3,512	993	(a)	$1.50	6	$557.29
1894	5,065	1,390	2,213	5.00	20	8,322.66
1896	5,395	1,621	2,167	7.25	33	14,159.63
Total	.....	.....	.....	13.75	59	23,039.58

a Not reported.

As each member is allowed to carry two policies, the number of outstanding certificates considerably exceeds the number insured. The membership in the relief association at the close of 1896 comprised somewhat less than one-third of the members of the auxiliary. It will be remembered that the benefit paid on each policy held by a member is the sum received from an assessment, at the death of the member, of 25 cents each on all the policies, the total amount not to exceed $500.

The president of the Ladies' Auxiliary to the Order of Railway Conductors reported the membership of that auxiliary to be 2,775 at the close of June, 1898. The Benevolent Insurance Association of the auxiliary began operations in 1896. At the close of that year its membership was 154, and on March 31, 1898, the membership was reported

by the general secretary and treasurer to be 274. No deaths occurred in 1896. Up to the middle of November, 1897, there had been two deaths. The insurance paid by the association is $200 per death.

The Ladies' Auxiliary to the Brotherhood of Railroad Trainmen has a "beneficiary fund," in which all members who join the auxiliary when not over 55 years of age must participate. The beneficial feature was adopted in 1892. The following table presents the membership, deaths, and total payments for the five years ending December 31, 1896:

STATISTICS OF THE LADIES' AUXILIARY TO THE BROTHERHOOD OF RAILROAD TRAINMEN, 1892 TO 1896.

Year ending December 31—	Membership of auxiliary.	Number of claims paid.	Total payments.
1892	639	.....	.....
1893	1,058	9	$1,800
1894	1,285	9	1,800
1895	1,575	13	4,550
1896	1,800	16	5,600
Total	.....	47	13,750

The grand secretary and treasurer reports that in the total membership, as given above, there are "perhaps half a dozen honorary members, consisting of those who are over 55 years of age." The table shows that there were no deaths in 1892; and that the insurance payment was $200 per death until 1895, when it was raised to $350.

The Benevolent Insurance Association of the Ladies' Society, Brotherhood of Locomotive Firemen, still has a small membership. In 1895 the members numbered 50; in 1896, 90; and in November of 1897, 218. It is only during the past year that the membership increased rapidly. The total membership of the Ladies' Society was reported to be 1,097 in November, 1897; thus the present membership of the Benevolent Insurance Association is about one-fifth that of the Society. The insurance paid upon the death of an insured member equals the receipts from an assessment of 25 cents on each member. During 1894, 1895, and 1896 the deaths averaged one a year. During the first ten months of 1897 there were three deaths, and the total amount of insurance paid on the three claims was $149.50, an average per claim of nearly $50.

The reports from all four of the auxiliaries indicate that the insurance organizations are gaining in membership, and are becoming an increasingly important feature of the societies. The relief associations connected with the Auxiliary to the Brotherhood of Locomotive Engineers and the Auxiliary to the Brotherhood of Railroad Trainmen have already become beneficial institutions with a relatively large membership.

RELIEF AND INSURANCE ORGANIZATIONS OF BROTHERHOODS COMPARED WITH RAILWAY RELIEF DEPARTMENTS.

The benefit departments or insurance associations connected with the brotherhoods of railway employees and the railway relief departments exist for the accomplishment of similar objects by different methods. The plans and methods of both organizations and the results accomplished by each have been fully set forth in this report and the paper on Railway Relief Departments, published in the Bulletin, January, 1897. It remains now to compare the results achieved by the two classes of institutions.

The brotherhoods that have a benefit department as a part of their organization had a combined membership of about 97,000 at the close of 1896. The increase during 1897 has carried the total a few thousand over 100,000. The number of persons insured at the close of 1896 was about 79,000. The number at the beginning of 1898 is probably nearly 85,000. The railway relief departments at the close of their fiscal year 1897 had a total enrollment of about 122,000 members. The membership at the beginning of the calendar year 1898 is approximately 125,000. During the years 1893 and 1894, when a conjunction of adverse circumstances seriously affected the membership of the brotherhoods, the growth of the railway departments received but a slight check. The brotherhoods have hardly regained their membership of 1893, whereas the railway relief departments during the last four years have added fully 30 per cent to their enrollment of members. How long the railway departments will be able to maintain the lead they have secured will depend upon the growth of the railway systems with which they are connected, and upon whether other railway systems decide to establish such departments. The brotherhoods are at present growing rapidly in membership and in prestige among railway employees. As they have the entire body of railroad labor from which to draw, a few years of prosperous growth will probably increase their present membership 50 per cent or more.

There are several difficulties in the way of making an exact comparison of the costs of securing an equal amount of relief and insurance from the railway department and from the insurance organizations of the brotherhoods. The insurance provided by the brotherhoods covers death and total disability due to several causes, whereas insurance claims are paid by the railway departments only upon the death of the insured. Again, the brotherhoods leave the payment of sick benefits to the divisions and lodges, while the railway departments include these payments in their scheme of organization. Furthermore, the railway departments do not pay the expenses of management out of the receipts from members, these expenses being borne by the railroad companies. The brotherhoods, however, with the exception of the Brotherhood of Railroad Trainmen, charge some or all of the operating expenses to the funds received from the insurance assessments.

In making comparisons, the fact ought also to be considered that cost furnishes only one of several criteria by which the merits of a plan of insurance is to be judged. Safety is a factor of as much importance as cost. The railway departments have been managed in a conservative way, and they have a good financial basis. They are apparently financially safe institutions. The brotherhood insurance is organized on the assessment plan, and its stability and safety are determined by the confidence which the members have in the institution for the maintenance of which they are required to make regular payments. Brotherhood insurance, like fraternal insurance generally, has an advantage over nonfraternal assessment insurance, because of the loyalty and pride which the members feel toward their brotherhood or order. The brotherhoods seem to have commanded the confidence of their members, and this is what might be expected. The members manage the organization in a democratic way for their own good, and assessment insurance under such conditions has much more to commend it than it has when managed by companies organized solely for insurance and operated without the restraining influences that are exerted by the motives and aims that animate the brotherhoods.

It has not been a part of the plan of this report to enter into a discussion of the relative merits of assessment insurance and level-premium or "old-line" insurance; but the object has rather been to describe the relief and insurance organizations that have been established by the brotherhoods of railway employees, and to give as complete and accurate an account as was possible of the nature and amount of the insurance provided and relief actually afforded. The old-line companies and the benefit departments of the brotherhoods issue certificates guaranteeing the payment of very different claims and benefits, different both in amount and as regards the conditions under which they are paid. Indeed, the purposes of the two classes of organizations are to a large extent different. This being the case, a comparison of the benefit departments with the old-line companies would take us far afield without yielding very important results.

An insurance organization composed of employees, besides providing its members with insurance, produces indirect results hardly less important than the direct one it exists to accomplish. "One result of the establishment of relief associations in which the railway companies and their servants unite for a common purpose is the cultivation of a better relationship between employer and employed. Labor and capital are brought into friendly contact. This is to their mutual benefit and for the good of society. If the relief department contributes something to overcome the bitter feelings, the distrust, hostility, and strife which have so often characterized the relations of corporations and their employees, that fact must argue much in its favor." (*a*)

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a Author's paper on Railway Departments for the Relief and Insurance of Employees, Annals of the American Academy, Vol. VI, p. 466.

The brotherhoods do not promote this cooperation of capital and labor for the accomplishment of this desirable result, but they enable the employees to unite and cooperate with each other in efforts to better their ethical, intellectual, and material well-being. These efforts have been attended with a large measure of success, and this success has been in no small degree due to the relief and insurance features of the brotherhood organizations. The benefit departments have aided the brotherhoods in enlisting the interest of the railway employees, have given the members greater loyalty to their brotherhoods, and have strengthened those bonds of fraternal feeling which are so essential to the vigorous growth of a labor organization. For these reasons it will not be inferred that the comparisons of the expenses of securing relief and insurance through membership in the railway departments and in the brotherhoods constitute a discussion of the sole standard by which the two plans of affording relief and insurance are to be judged.

Although a close comparison can not be made between the costs of securing relief and insurance through the railway relief departments and the costs of securing benefits of an equivalent amount through membership in a brotherhood, because of the dissimilarity in the relief and insurance plans of the two organizations, it is possible to contrast corresponding expenses with approximate exactness. For the purpose of making such a comparison, two of the largest, oldest, and most typical railway relief departments and two of the oldest and best developed brotherhoods of railway employees have been chosen, and the following table prepared, in which corresponding assessments, insurance payments, and sick benefits are contrasted:

COST OF RELIEF AND INSURANCE IN RAILWAY RELIEF DEPARTMENTS AND IN THE BROTHERHOODS COMPARED.

Organization.	Total annual assessments.	Insurance secured by foregoing assessments.	Amounts paid per week for accident and sick relief.	Funeral payments.
Pennsylvania Railroad Voluntary Relief Department.	Upon members with a salary between $55 and $75 a month... $27.00	Payable on death... $750	Accident relief, $9 a week for 52 weeks; $4.50 thereafter. Sick relief, $7.20 a week for 52 weeks.	
Baltimore and Ohio Relief Department.	Upon members with a salary between $50 and $75 a month: Operating trains.. $36.00 Others 27.00	Payable on death due to— Accident $1,500 Sickness. 750	Accident relief, $9 a week for 26 weeks; $4.50 thereafter. Sick relief, $9 a week for 52 weeks.	
Order of Railway Conductors, West Philadelphia Division.	For insurance (average per $1,000 for five years, 1892-1896) .. $14.60 For weekly relief payments..... 12.00 Total..... 26.60	Payable on death or total disability. $1,000	Sick relief, $7 a week for 52 weeks; $3.50 thereafter.	On death of member, $50; on death of wife of member, $25.
Brotherhood of Locomotive Engineers, Cedar Rapids (Iowa) Division.	For insurance (average per $1,000 for three years, 1894–1896) .. $15.61 For weekly relief payments (average for five years, 1892–1896) 6.90 Total 22.51	Payable on death or total disability. $1,000	Accident or sick relief, $10.50 a week for 52 weeks.	

The West Philadelphia Division of the Order of Railway Conductors is a very large one, with over 200 members; the Cedar Rapids Division of the Brotherhood of Locomotive Engineers is one of average size, with a present membership of about 65. Each division has maintained a local relief organization for many years. In order that corresponding assessments and benefits might be compared in the preceding table, those assessments of the railway relief departments were chosen which are levied on the members who receive average wages. Each railway department divides members on the basis of wages into five classes. The third or middle class is selected, and its wages probably correspond with the average wages of the members of the brotherhoods here considered.

The insurance secured by the assessments quoted in the table is not the same in all four cases. The assessments securing an insurance claim of $1,000 are given for both brotherhoods. The insurance payments of the Baltimore and Ohio Relief Department seem much larger than the payments made by the three other organizations; but in reality they do not average over $1,000, because three-fourths of the payments are on account of deaths due to natural causes, and only one-fourth on account of deaths resulting from accidents. The Pennsylvania Railroad Voluntary Relief Department makes a smaller insurance payment than the Baltimore and Ohio Relief Department does, but this is offset by the smaller assessments, the accident and sick relief afforded being about the same for each company. From the description of the benefit departments given in preceding sections, it will be remembered that the insurance payments of the brotherhoods are made on death and total disability, whereas the railway departments pay insurance only on the death of the insured member. A part of the expenditures made by the brotherhoods for insurance payments covers claims which the railway departments classify as accident and sick benefits. In those divisions of the brotherhoods where local relief is provided for by the regulations of the organization, the members are assured of slightly more assistance than is to be secured by membership in the railway relief departments. The local benefits of these divisions are about the same as the accident and sick payments made by the railway departments, but the member of the brotherhood who becomes totally disabled as the result of any one of several causes receives the full amount of his insurance.

The total annual assessments differ but slightly, the showing made by the brotherhoods being a trifle better than that made by the railway departments. The Philadelphia Division makes a somewhat smaller weekly relief payment than the railway departments make, but this division provides for funeral payments, that doubtless make its total payment about as large per individual aided. The annual relief assessments of the West Philadelphia Division are considerably larger than those levied by the Cedar Rapids Division. If the latter were to

make funeral payments, its assessments would necessarily be larger. The relief assessments of the Cedar Rapids Division are lower than such assessments usually are. During the first five years that the Cedar Rapids Division made relief payments the assessments were lighter than they were for the next quinquennial period, 1892–1896, the one taken in the above table; and the indications are that the assessments will average somewhat higher in the future than they have during the past five years.

The general conclusion to be drawn from the foregoing details of comparison is the rather negative one that the cost of securing equivalent amounts of insurance and relief is practically the same in the railway departments and in the brotherhoods, and that if membership in one organization is preferable to membership in the other, it is because of considerations other than cost. The aims and purposes of both the railway departments and brotherhood departments and their plan of organization have been set forth in this report and in the one previously published in Bulletin No. 8. Whoever accords greater merit to one than to the other of the two plans of relief and insurance can not justly condemn either. Both are beneficial institutions.

THE PRESENT POLICY AND PROBABLE FUTURE OF THE BROTHERHOODS.

The future of brotherhood insurance and relief of railway employees depends upon the future management and development of the brotherhoods. A brief discussion of the policy now being followed by the leaders of the brotherhoods, both concerning the organizations as a whole and as regards the insurance or benefit departments, and a brief consideration of the ideals that should be cherished by those who are to influence the development of the departments, will present some of the conclusions to which this study has led.

The brotherhoods are growing in membership and influence. The statistics contained in the preceding section show this very clearly regarding the four large brotherhoods. What is true of them is also true of the Order of Railroad Telegraphers, which was not included in the statistical tables because it had not yet organized an insurance department at the time of the preparation of this report. The showing made by the two smaller brotherhoods is unduly unfavorable to them. The organizations were young and were just acquiring vigor when the very exceptional events of 1893 and 1894 occurred. Had they been older and larger organizations they would have weathered the storm without serious losses; but, being as they were, they were nearly wrecked. They have now regained their confidence and vigor, and their future promises well. The small brotherhood that suffered most from the organization of the American Railway Union was the Switchmen's Union. The successful reorganization of that union took place during 1897.

The struggles through which labor organizations have been obliged to go in order to secure their due meed of legal protection are well known. Among the recent laws of importance to the progress of labor organizations is the one passed in 1897 by the State of Pennsylvania, entitled "An act to protect employees of corporations in their right to form, join, or belong to labor organizations by prescribing penalties for any interference therewith." The enactment of this law, which is similar to statutes enacted by some other States, was prompted by the practice of a Philadelphia street railway corporation and a large railroad company doing business mainly in Pennsylvania. For many years the railroad company refused to permit any of its employees to belong to labor organizations. The passage of this law after two years of effort is an illustration of the efficiency of the organizations of railroad employees. They cooperated with each other and with other labor organizations, and were ably and conservatively led.

Successful cooperation among labor organizations for the accomplishment of conservative ends is evidence that the organizations have passed the experimental stage of their development and are being ably managed. It is a fact of much significance that the brotherhoods of railway employees have perfected a plan of federation that will enable them to cooperate in carrying out some of their common purposes. The brotherhoods were prompted to form "an alliance for the mutual advancement and protection of the interests of the railway employees of America" because of the conviction that such a federation would give them greater prestige among railway laborers outside of their organizations, and because they believe that by acting as a unit the brotherhoods can limit the number of strikes by preventing the inauguration of any strike by any one brotherhood without the sanction of the others. They believe that by acting together they will make more conservative demands of their employers, and that the demands thus made will be apt to be granted because of the greater strength of the federation as compared with an individual brotherhood.

The plan of federating the brotherhoods was not an altogether new one. In 1889 a federation called the United Orders of Railway Employees was entered into by the Brotherhood of Locomotive Firemen, the Brotherhood of Railroad Trainmen, the Switchmen's Mutual Aid Association, and the Brotherhood (not the Order) of Railway Conductors. The Brotherhood of Railway Conductors, it will be remembered, was established in 1888, because of the opposition which the western conductors had to the nonprotective policy maintained by the Order of Railway Conductors—the policy of prohibiting members from participating in strikes. In 1890 the Order of Railway Conductors voted to adopt the protective feature, and a year later decided to join the united orders; but just at this time a disagreement between two of the united orders led to the disruption of that federation. The time was not then ripe for successful federation. The brotherhoods did not

have the requisite degree of confidence in each other, and the leaders of the federation movement were too radical.

A plan of federation by systems of railways, optional with the divisions and lodges, was adopted in 1895. The grand chief conductor of the Order of Railway Conductors reports that this plan "has been adopted on many roads and has proven beneficial in many instances." This form of federation, which received the approval of all the five large brotherhoods, provided for the cooperation "through their general committee or boards of adjustment." Each brotherhood has one general grievance committee or more for each railway system, and the chairmen of these committees of the several brotherhoods "constitute the general federated committee for that system." It was expected that federating by systems would lead to the adoption of a general federation embracing all the members of all the large brotherhoods, and such was the result.

The last biennial conventions of the conductors, firemen, trainmen, and telegraphers each appointed a committee to confer with the representatives of the other brotherhoods and formulate a plan of general federation. The committee met in Peoria, Ill., October 12, 1897. The grand chief of the Brotherhood of Locomotive Engineers was present and participated in the conference, although necessarily in an informal way, because he had not been delegated with authority by his brotherhood. A plan of an organization entitled the Federation of American Railway Employees was formulated, and this was submitted by three of the brotherhoods to the divisions for approval or rejection. The representatives of the telegraphers, acting on the power delegated to them, accepted the plan without submitting it to the vote of the divisions. The grand chief of the Brotherhood of Locomotive Engineers promised to submit the plan to the grand convention of the brotherhood, which met in May, 1898. (*a*)

Without taking space to present a full outline of the plan of federation that has been worked out, it may be said that a general executive committee, consisting of the chief executives of the several brotherhoods, is intrusted with the management of the general business of the federation; is charged with the duty of watching "national legislation which involves the interests of the membership and upon which the committee is agreed," and is made the leader of any strike that may be inaugurated. The brotherhoods give over the power to inaugurate a strike to the federated boards, of which there is one for each large railway system. Section 6 of the articles of federation provides that "Each organization, party to this federation, shall have regularly established local and general grievance committees or boards of adjust-

a The opposition to federating with the other brotherhoods was so strong in the convention that the Brotherhood of Locomotive Engineers did not enter the federation. The four other large brotherhoods, however, have federated. The organization went into effect April 1, 1898.

ment on each system of railway, as provided in their laws. The chairman and secretary of each general committee or board of adjustment for the system, together with the executives of the organizations, or their duly appointed associate officers, shall constitute the federated board for that system of railway." Each brotherhood deals, as formerly, with the grievance until it reaches the point of deciding upon a strike, then the adjustment of the grievance is undertaken by the federated board for the railway system against which the grievance is held. If the federated board is unable to adjust the trouble it may inaugurate a strike. When the board votes on the question of a strike each brotherhood has one ballot, and the vote in favor of a strike must be unanimous in order to carry.

This federation of the brotherhoods is a movement in the direction of conservatism rather than radicalism. Each of the brotherhoods has the "protective feature," and without federation each has the power of inaugurating a strike. The chief executive officer of one of the brotherhoods says that by means of the Federation of American Railway Employees, "It is sought to combine the wisdom of the representatives of the several organizations and to prevent any hasty, extreme measures being taken by any. You will note that no cause can be pushed to the extreme of a strike unless it has the indorsement of the organizations in the federation. The combined moral influence of the representatives of the organizations must first be expended. Their united judgment must support the cause. In this way it is believed and hoped that no mistake will be made. On the other hand, if a strike is inaugurated it will have the united strength of the organizations behind it."

The federation of the brotherhoods does not directly affect the relief and insurance organizations maintained by them, but it will inevitably have an indirect influence upon the success of those organizations by strengthening or weakening the brotherhoods. The successful federation of the brotherhoods can not fail to strengthen them by increasing their prestige and their membership. On the other hand, if federation should lead to the adoption of a radical programme of action, the opposition to the brotherhoods might become strong enough both to disrupt the federation and to check the growth of the several brotherhoods. The indications, however, do not point in the direction of radicalism, and federation promises to enhance the future development of the relief and insurance feature of the brotherhood organization.

One prominent feature of the insurance organization connected with the brotherhoods is the requirement made by the large brotherhoods compelling all members to carry insurance unless disqualified by age or physical condition. Three of the four large brotherhoods made insurance voluntary at the start, but afterwards all three adopted the compulsory plan. The two smaller brotherhoods, however, have voluntary insurance at present, the trackmen having changed from the compulsory to the voluntary plan at the close of 1896. The experi-

ence of the brotherhoods indicates that the compulsory plan is practicable after the organization has become large and strongly intrenched in the favor of its members, but that a young and small organization may find that compulsory insurance makes it more difficult instead of easier to secure new members. Even among the members of the large brotherhoods there is some opposition to compulsory insurance, but the number so opposed is apparently small.

There are advantages gained by making insurance compulsory. From the standpoint of the brotherhood as a whole, the benefit consists in the greater stability that the society possesses, because its members are bound to it by stronger ties. The holder of an insurance certificate must feel that his brotherhood stands to him for more than it would if he were not insured, and he will be less disposed to sacrifice his membership when placed under the stress of unfavorable circumstances. The advantages accruing to the insurance organization from the compulsory plan are those which accompany a larger membership. Compulsory membership enables the insurance department to perform more completely the insurance and relief work that it exists to accomplish. Viewed as an agency for the promotion of the material welfare of railway employees, the adoption of the compulsory feature seems altogether desirable. The brotherhoods are voluntary fraternal organizations, no employee being compelled to join them; consequently their compulsory insurance feature is not open to the objections that are often raised against compulsory State insurance as it has been developed on the continent of Europe.

In one particular the brotherhood plan of relief needs further development. The field of death and disability insurance is well occupied, but the relief work is not organized in all divisions. Many divisions have excellent relief organizations, while others make only those provisions for the care of members that are usual with fraternal organizations. It should be the aim of the brotherhoods to round out their system of affording relief and insurance by bringing about the establishment of a local relief organization in connection with each division or lodge. Whether this could be accomplished better by general regulations adopted by the grand conventions or by means of agitation carried on through the official journals and through discussions in the divisions and local conventions of the divisions is something to be determined by those whose experience in the management of the brotherhoods has taught them how a plan such as the one here proposed can be carried out most satisfactorily.

I can not close this section of the report and the report as a whole more appropriately than by quoting a paragraph recently penned by the grand chief conductor of the Order of Railway Conductors:

"These brotherhoods have never been in a better condition. They have been tried as if by fire during the past few years. Their unswerving devotion to their fundamental principles and their manifested deter-

mination to stick by their laws and the right has inspired a confidence in them on the part of their membership as well as on the part of the employers of that membership and such of the public as have taken the trouble to look into the subject. I consider their future prospects bright, and I have as abiding a faith in their permanency and success as I have in the eventual triumph of the right."

These words of hope and confidence bespeak a certainty as to the future that is based on a successful past. There is every indication that the brotherhoods of railway employees are destined to enjoy a large development in the future. No feature of their organization will contribute more to their progress than the departments which they have so successfully maintained for the relief and insurance of their members.

THE NATIONS OF ANTWERP.

BY J. HOWARD GORE, PH. D., COLUMBIAN UNIVERSITY.

Antiquarians have sought to show that even in the origin of its name the commercial importance of Antwerp in the early ages is confirmed. They declare that the word in its primal form was *aen 't werp*, the port, and they assure us that it was neither chance nor caprice that caused the Saxons to establish the camp which is now the site of the maritime metropolis of central Europe.

In the coat of arms of this city the three hands perpetuate the legend of the cruel Druon who caused to be cut off the right hand of each captain who essayed to steer his boat up the river past his castle without paying the demanded toll, while the term *Hand werpen* (Antwerp) indicates the destination of the severed member. So both history and legend bear testimony to the fact that Antwerp has always been what it is now—a center of traffic and commerce.

In the first years of the twelfth century Antwerp passed under the dominion of the dukes of Brabant. The well-regulated government which it now enjoyed, together with special privileges accorded to men engaged in trade, were instrumental in bringing about a rapid growth of the city, and as early as 1315 the formation of the Hanseatic league, or association, was one of the results. The benefits of this society were so apparent that it was soon followed by the Hesse establishment, and with it the laying of the foundations for the largest banking houses ever known.

When Flanders came into the possession of Charles V it monopolized the attention of his subjects even in other lands, and in a short time the merchants of the Mediterranean were making Antwerp their port and located within its walls their enormous warehouses. It was evidently this congregation of peoples of different nationalities, with the clannish instincts that hold related people together and unite them in their competition against others, that suggested to Jan III the advisability of organizing the merchants of Antwerp and Brussels into *natie* or nations. At first this racial division coincided quite closely with a classification by trades or by line of commerce pursued, but the former breaking down by intermarriage and other causes before the latter was subjected to much change the word "nation" became applied to persons engaged in handling like articles of trade.

Under the favorable conditions already referred to the merchants outgrew a single line of trade and a classification upon such a basis was no longer possible. But while pursuing restricted channels of commerce their workmen had acquired a particular aptitude in handling the goods in which their employers dealt, and as they could not pass

over to new lines of activity as rapidly as the merchants could they took up the discarded cognomen of "nations" and differentiated labor found its beginning. That this is a correct hypothesis can be seen in the fact that in a few years the nations at Brussels died out altogether although the number of merchants continually increased in number there, but there was not a corresponding addition to the number of workmen, as was the case in Antwerp, where large quantities of merchandise passed in transit.

From this time on the nations were regarded as a sort of guild, with this important difference: The guilds sought by a variety of means to improve their methods, having in view the turning out of better products. Their membership was made up of craftsmen. On the other hand, the nations were mere laborers united for self-protection rather than to stimulate one another in increasing their effectiveness, and the membership was made up of the nontechnical class. They were in no sense dealers, and it was not until 1787 that it was deemed necessary to stipulate that such a lax organization might be regarded as collective owners of property, either personal or real. This stipulation came as an imperial edict, and lent emphasis to the societies then in existence. Just how many there were at this time is not known. The first statement of a statistical character is that of 1829, when it is mentioned incidentally that there were thirty odd nations in Antwerp; but there is a record in the city's archives that in 1668 rules for the guidance of the nations were drawn up, and again in 1802 they appear to have been amended. In 1820 the city, in recognition of their importance, granted them certain privileges and facilities for carrying on their work. As there is no mention of any subsequent modification of their plan of organization, it is likely that they are now observing rules which were then in force.

The nations, as we now find them, are the results of unrestricted growth—that is, uninfluenced by governmental interference or legislation; hence they may be regarded as the normal outcome of the efforts of groups of laborers seeking to protect themselves without endangering others, and to enjoy privileges that do not transgress the rights of fellow-men, and at the same time to reap the benefits of their own strength and intelligence.

A nation may now be defined as an organization of workmen forming a limited society in which every member is a shareholder. The word "limited" does not signify a limitation as to the responsibility of each member, but a restriction as to the function and number of members. While each share represents a member, and vice versa, still it is possible to increase both at will. When a new member is taken in, if the capital does not need replenishing, the money he pays for his share is divided pro rata among the members already forming the society, the amount paid being determined by dividing the estimated capital, counting good will as an asset, by the number of members. From this it

will be seen that no one would seek membership in a nation whose treasury is so low as to be in need of a member's share, and likewise it will be apparent that a member of a nation which is known to be paying poorly would find it difficult to dispose of his share. Such a member is obliged to retain his holding, hoping for a fortunate turn in the affairs of his nation.

The restricted function referred to is a survival of the circumstances which surrounded the formation of the nations—that is, each nation occupies itself with the handling of a certain line of merchandise, either in loading it upon vessels, unloading it, or transporting it from boat to warehouse or to the cars. In later days the restriction goes still further—that is, the particular merchandise must come from a certain country. Thus several nations will unload wool, but one will discharge a cargo of wool from Buenos Ayres, while another would have to be called upon if the wool came from Australia. This differentiation has resulted from the fact that in the early days the nations were the official, or at least the recognized measurers, weighers, or inspectors, and hence the men who were competent to serve in such capacities upon the products of one country might not be able to act when similar articles came from another land. Then, again, the nation would become familiar with the methods of stowing employed at a certain port, and thus be able to discharge a vessel from that port more quickly than could be done by any other nation.

In time the nation would become possessed with the implements needed for the ready handling of such articles as came within its line of work, so that a newly organized nation would find it difficult to displace one already established, and consequently would be obliged to select some unoccupied field. This field would naturally be limited and the character of work correspondingly specialized. From this it can be seen that the elaborate differentiation of labor here in force is the natural outcome of the way in which the nations came into existence, and it is evident that its continuance is assured, because a society with restricted lines of work can become proficient in those lines, can acquire the best implements and appliances for their performance, and thus give to their employers the best possible service while securing for its members the greatest remuneration. This naturally suggests a train of monopolies with the attendant opportunities for extortionate charges, since there is no limitation as to the prices that may be demanded. But on the other hand there is no statutory limit as to the number of nations that may be formed. Any overprosperity on the part of one would soon call competing societies into existence or cause a shipper to appeal to a nation whose line of work was so closely related to his that it could profitably to both undertake the contract in question. There is, therefore, this possibility of calling upon competitors that keeps the prices normal. It may be suggested that the same would be true of individualized labor. Then wherein do the nations possess merits that have

secured for them their uninterrupted existence during so many generations? The answer can be seen in their organization and methods.

The nations as we now find them are joint-stock companies, in which each member is the holder of one share and contributes his services as well as the use of his money to the welfare of the society. The number of members varies in the different nations and is not stable even in any one, changing with the varying fortunes or commercial activity of Antwerp. The average membership of a nation is between twenty and thirty, although some of the more important, as the Wyngaardnatie and the Noordnatie, have from fifty to sixty members. The members elect their own officers—the dean, assistant deans, and in some cases a secretary. In the larger nations each subdean has some special function; thus one to look after the horses, their purchase and care, another is the supervisor of work on the docks, and another is charged with the task of clearing the cargo of its custom-house regulations. These officers serve without extra compensation, except in some cases an allowance is made for car fare, and in addition to the duties that would naturally fall to them, they constitute the council which adjusts all matters in controversy and considers all new questions that may arise. The authority of the dean is supreme in everything that pertains to the routine work of the nation. He makes all assignments of tasks, receives the reports of all the parties that work, makes contracts, and deposits in bank the money received for each job.

The outward workings of a nation resemble somewhat a patriarchal form of government. On every week-day morning, and, in busy seasons, on Sundays as well, all the members who are able and who are not already engaged upon some contract assemble at headquarters half an hour before it is time to begin work, and receive assignments for the day. This allotment of tasks by the dean is not subject to open criticism or refusal, but he is doubtless guided in making the assignments by a knowledge of each man's special fitness or influenced by his recent labors. Those for whom there is no work have the day free without suffering any diminution in their share of the society's profits; but they are not allowed to hire themselves to others, since such labor would, by unfitting them for the duties of the morrow, detract from their earning capacity when working in the interests of the society. In the evening those who were occupied during the day report to the dean, and a record is made of the place and character of the work upon which each man was engaged. This record is rather a check upon the work than upon the workmen, and at the present time, when the members are overseers and not workmen merely, these reports are made up only upon the completion of the work. When the task is finished the dean collects the entire amount due the society and places it in bank as a part of the general fund. At the end of the month, or more frequently in the case of the weaker nations, a balance is struck and the net receipts are divided equally among the members, regardless of the

number of idle days of each. Usually there is a maximum limit to the sum paid to each member as his share of the month's profits. In case the earnings during any month should justify a dividend in excess of this limit, the overplus is reserved to help out those months when work is slack or to contribute to the sinking fund, out of which to meet any emergency that may arise. As might be expected, these emergencies are of frequent occurrence and come in the shape of damaged machinery, broken wagons, or the need for more horses. Likewise those who are unable to work because of sickness or injury received in the discharge of duty fare equally with the others. However, this benefit is restricted to a definite number of months, never exceeding four. If the member should be incapacitated for work for a period in excess of the limit granted in his nation, he may be carried as a noncontributing member and receive a sum equivalent to the amount paid each active member diminished by a fair estimate of a month's wages—that is, he receives a dividend upon his share of the nation's earning assets. Or if the member has a son old enough to take his place, the son, if acceptable to the other members, can become a member by having his father's share transferred to himself. Then he assumes the support of the family.

When a member dies his share may pass by inheritance to a son or it may be sold at auction for the benefit of his heirs, but in any event the new member must be acceptable to the others. In the more prosperous nations shares command a premium, varying with the condition of the society. Since no member can own more than one share, there is no temptation for one to belittle the financial condition of his nation in the hope that he may secure a proffered share at a depreciated value. But, on the other hand, the profits of a nation are not matters of record, nor are its affairs open to official inspection, so nothing more authentic than impression or hearsay can suggest the value of a share. The profitable purchase of a share is therefore to a certain extent purely a matter of chance, unless some friend of a member has received trustworthy hints.

The nations have their own rules or by-laws, but, being secret societies, it is practically impossible to find out just what they are. But it is known that the spirit of the "golden rule" pervades them, and that they are in general restricted to regulating the duties and obligations of the members toward one another. Fines are imposed for certain offenses; for instance, if a member fails to report each morning, unless sick or known to be engaged upon an assigned task, he pays a fine, and if the absence occurs twice within a month the fine is quadrupled, while a third offense would result in dismissal. Perhaps the most unique rule is one that exists in several of the nations, which prescribes that if one member summons another against his will as a witness he must pay an honorarium for every day thus detained; and if one member causes the arrest of a colleague he must pay the wages during the

period of arrest, but if the culprit is found guilty no compensation can be demanded.

The secret of the success which has during so many years attended the nations lies in the fact that each member in looking after his own interests by assiduous and well-directed labor contributes to the welfare of all.

The nearest approach to an authentic financial statement as to their condition is obtained from the decennial report which each nation submits to the local authorities showing its nominal assets and liabilities. From the accounts rendered in 1890 it is seen that the richest nation had a capital of $180,000, divided into shares of $5,000 each, and the next one in wealth had a capital of $168,000, divided into shares of $4,000. Of the actual assets the world at large knows but little beyond the fact that they consist of a number of magnificent draft horses, perhaps the finest in the world, wagons, stables, and such implements and appliances as are needed in the work. One of the most important items in the list of assets is "good will," which comes from the reputation of the nation.

The reputation for honesty and celerity means much to a nation. Since the Belgian laws do not recognize cooperative bodies, the nations can not be compelled by any legal procedure to observe a stipulated contract, and still each one must enter into contracts daily. The other party to the agreement may be forced into compliance, for he is a merchant or shipper, an individual or recognized firm. As such he would not treat with a nation unless fully persuaded that the conditions of the compact are sure of being observed in every particular. It also happens that goods may be taken to the docks too late to be placed on board. The shipper does not concern himself about that, for he knows that the nation will protect them, not because it is legally bound to do so, but because it is to the interest of the nation to establish or maintain its reputation for looking after the interests of its employers. Any dereliction of duty or violation of an implied trust would seriously affect a nation, perhaps beyond reparation.

In the summer of 1897 there came to the writer's attention an instance of a nation's determination to make amends for the mistakes of some of its members. One of the nations had discharged a vessel of its cargo of lumber, but in piling up the timber the men had put some of it nearer the boiler of a neighboring sawmill than the rules of the dock permitted. The owner of the lumber was notified that it must be moved, and as soon as the measurement of the distance was verified and it was found that one pile was a few meters nearer than was permissible, the owner simply notified the dean of the nation whose members had made the mistake and he had the lumber moved without delay and without any cost to the owner. If any fine had been imposed, the nation would have paid it. Then again, just a short while before this, a nation had agreed to remove a boiler from a steamer as she lay at the dock and to lower

another into place. The first part of the undertaking was completed, but just as the new boiler was hoisted and swung clear of the dock the chain broke and the great mass fell upon the side of the vessel and dropped overboard into the water. The vessel was damaged, the hoisting machinery broken, the boiler had to be overhauled, and a penalty paid because the steamer had remained overtime at the dock. All of these charges the nation met and every effort was made to hasten the work to its completion.

Of course, cases may be cited in which a nation has violated its contract, but it is apparent that by so doing it jeopardizes its good name, and without the reputation for honesty a nation would soon be without patrons. With their large capital and numerous members it is important that patronage be gained and not lost.

As has been said, the nation can not as a corporate body be sued, and thus forced to observe contracts or make restitution for losses which they may occasion, but by common consent their differences, like those between individual laborers and their employers, may be adjusted by the Conseil des Prud'hommes. But this council is so notoriously in sympathy with the laboring classes that to carry a case to it is practically to acknowledge that the employer is in the wrong and merely wishes to know how easily he "may get off." The nations know this to be true and avoid just as far as possible forcing their clients to intrust their differences to this body for adjudication. The more responsible ones at least prefer to be temporary losers than suffer a permanent injury.

The other efficient cause mentioned as promoting the success of the nations is celerity.

Napoleon, appreciating the wisdom of the early traders who used Antwerp as a port of entry, and realizing its importance in time of war, determined to increase its usefulness by improving the docks and deepening the river. He began this great work and saw the verification of his anticipations, while subsequent generations have shown their approval by continuing the work as begun without materially modifying his plans.

The general scheme provides for a continuous dock along the entire city front. It is substantially built of stone and covered with fire-proof sheds. But even these facilities are limited, so they have been supplemented by the construction of a large number of basins. These are connected with the river by means of canals through which the smaller craft are taken at a suitable tide and then locked in. The basins are specially designed for certain lines of merchandise and are consequently provided with all the appliances needed for handling such cargoes.

Along the dock extends a series of parallel railroad tracks, intersected occasionally by transverse tracks with a turntable at each crossing, making it possible, however crowded the tracks may be, to

bring a car to the side of a vessel at whatever place at the dock she may lie. Between the rails of the track nearest the face of the dock there runs a water main, kept continually charged with water at high pressure, and every few yards a water plug is provided. Hydraulic cranes and hoisting engines are mounted on movable cars, and whenever it is desired to unload a vessel one of these hoisting devices is rolled into a convenient position by her side, an attachment made to the nearest water plug, and anyone knowing how to open and shut the appropriate valves can lower the heavy cable into the ship's hold and at a given signal lift a weight of tons, if need be, swing it clear of her side, and deposit the load on the dock or on a car standing conveniently near. Capstans at frequent intervals, driven by turbine wheels fed from these same pipes, serve as an excellent and ever-ready motive power. If it is desired to bring a vessel up to the dock or to draw a car along the track, it is only necessary to take the free end of the attached rope, make a few turns around the head of the capstan, and press the lever at the side; the capstan revolves, winds up the rope as slowly or as rapidly as may be wished, and the great vessel swings into place or the train of cars is set in motion. The great facilities here suggested for handling freight and shipping are augmented by natural advantages and felicity of position. Situated somewhat near the center of gravity of the great continent of Europe, lying upon a river whose channel is readily kept deep and clear, and having a tide sufficient to prevent ice from forming or to carry it out to sea if formed, and in close connection with the capitals, commercial marts, and manufacturing cities of Europe, it has not been difficult for Antwerp to retain and even increase its importance as a port of entry.

In addition to these advantages, Belgian laws are favorable to the importer who expects to find sale for his goods in neighboring countries, especially in the length of time dutiable articles are permitted to remain in bonded warehouses, and the ease with which they can be removed for transportation across the boundary for delivery to foreign purchasers without the payment of duty to Belgium.

The large amount of shipping thus enticed to Antwerp would prove a source of embarrassment if vessels were granted unlimited time in which to discharge; therefore hard and fast rules are in force plainly stating to the hour the length of time a ship may remain at the dock or in a basin, and for each hour in excess of the time permitted a double charge is made. To insure the unloading of a vessel within the allotted time it is necessary that all should be in readiness by the time of arrival, that a sufficient number of men be available, and that they possess the requisite skill for handling the cargo in question. We have seen that the nations are skillful and that they acknowledge their liability to faithfully perform every contract entered upon. One of the most important items in the contract for unloading or loading is that it be done on time. This is the celerity referred to.

When a vessel passes Flushing going in, its coming is telegraphed to the consignee in Antwerp. He at once secures from the captain of the port a place at the dock, or in the basin, and then calls upon the appropriate nation, telling its dean the size of the ship and the disposition to be made of the cargo. If the conditions are normal the employer knows from the tariff of prices what the charges will be, and consequently wastes no time in useless bartering. The time at which the ship will reach the dock is easily determined from the conditions of tide and weather, and the consignee rests satisfied that at the earliest possible moment the work of unloading will begin and will continue with the minimum of interruption until the task is done.

It is interesting to watch, for example, a Russian steamer laden with grain come into Antwerp. Even before the last line has been made fast members of the Valkeniers nation are on board, and if the cargo in part or in whole is destined for the interior, as many canal boats as can touch the steamer will be at once tied to her and the work of unloading will begin. It looks as though boats manned by pirates had risen from the sea and the steamer's crew had delivered up the cargo without a protest. Vessels of 10,000 tons can be unloaded in seventy-two hours, and as the members frequently work eighteen hours a day this means only four days. To one acquainted with the dilatoriness of Belgian workmen this will appear as a marvel of celerity.

It will readily be seen that this amount of work could not be done in the given time by the largest nation, even if it put its entire membership upon the job. The nations, therefore, are compelled to call in extra workmen. More than thirty years ago they realized that if in a busy season they should increase their membership sufficiently to enable each to do all the work that legitimately fell to it, there would be during the dull season too many among whom the meager earnings would have to be divided. To keep this unfortunate condition from arising, they concluded to supplement their working force by hiring laborers instead of adding to their membership whenever the demands were so great as to require an extra force. They thus became employers, or rather contractors, and each member is now a foreman or overseer whenever there is a rush of work.

We now find the nations, as a rule, a body of contractors, but each member spends his time as profitably as a foreman as he could formerly as an active workman. The relation between supply and demand can be better adjusted now, because a nation can increase or diminish its force of laborers to meet the exigencies of each day. The laborers must take their chances in finding employment, and are in the main obliged to look to the nations for work. Inasmuch as the nations employ only when the amount of work is more than they can handle, the workmen are simply a sort of reserve force. They can never become members of a nation because of a lack of capital, and if a man becomes an habitual employee of one nation he will be valuable to that nation, but hardly so

much so to another; so that while he specializes himself he narrows his opportunities for securing employment. Then, again, the thirty or forty members of a nation, with their individual preferences and prejudices, may drop their workmen at any time and take others into their service. It is, therefore, questionable if the nations benefit the laborer as much as they benefit the shipper. The latter can always be sure of finding a contractor to load or unload his vessel, and that the price will be just, but no laborer can be sure of being called upon to assist in the work. When, however, a man is employed he receives good wages. A freighter receives from 70 to 80 cents per day, with 10 cents an hour for extra work; those who work on the docks receive from 55 to 70 cents per day, while the stowers receive $1.60 per day. But the work is hard and the taskmaster is one of a joint-stock company, whose profits will depend in part upon the amount of work which he can get out of the men under him.

Perhaps the best effect of this system is the practical immunity which it insures against strikes, and strikes among longshoremen are always exceedingly demoralizing, since they bring about a congested condition of the shipping which started before the strike began and can not be deflected en route. The way in which this result is achieved is practically as follows: The members of the nations having capital as well as time invested can not afford to endure enforced idleness, so even if they offered lower wages than the workmen could take they themselves must work all the harder to keep their contracts as well as to secure dividends as members. Then, again, if a nation should refuse to take a job that legitimately fell to it, other workmen would organize a nation and go into business with the assurance of receiving in perpetuity the work of the shipper in question. There is a due appreciation, or perhaps even an exaggerated appreciation, in the minds of the people of Antwerp as to the earnings of the nations, and the only deterrent to the enlargement of the number is the fact that the present number covers all the lines of merchandise that come into this port. As said before, it is the character of the cargoes that fixes the number of nations, and not the amount of the shipping. Consequently if a nation should refuse to undertake a certain piece of work, it would by so doing serve notice that it would no longer work in that line. The gap thus made would be promptly filled by the organization of a new nation. As the number of nations has remained approximately the same for half a century, it can be seen that the inclination to strike has not been very strong among the dock laborers. In avoiding strikes the nations are more efficient than individual employers could be, for each employer of this class would have under him foremen who might be benefited by an increase of wages, even if they held out for some days. They would lose nothing more than their time, and, not being specially interested in the welfare of their employer, they would not always strive to make the workmen so satisfied with their work and wages that a demand for

improved conditions would not suggest itself. As already stated, the foremen in the nations are the members, so that the interest of the employer is their interest, and, coming close to the workmen, they can avoid in time dangers which might otherwise culminate in a strike.

The nations work at least one injury upon the workmen in their employ. A large proportion of the wives of the members of the nations keep small restaurants, and the workmen feel it incumbent upon themselves to patronize the wives of their employers. In their ready yielding to this conviction they doubtless spend more of their wages in drink than they otherwise would do. From the relations here described as existing between the laborer and the nation it will be seen that many of the problems as to the relations between employer and employee are present, the only difference being that they are forced down upon a somewhat lower plane, for the nation's laborer occupies about the same relative position to the nation that the nations bear to the employer who gives them a contract. There are here, one may say, three classes, with the day laborer occupying the lowest and the nations coming in an intermediate position between him and the real employer, so that the questions which the employer would ordinarily have to settle with the workmen here fall to the nation. If the employer has not been elevated by this interjection of the nations, the laborers must be depressed.

The benefits of union were so apparent in the organization of the nations that a little more than thirty years ago a Bond of Nations was suggested in order to resist the encroachment of the Compagnie des Docks, Entrepôts et Magasins généraux d'Anvers. The union thus formed was only temporary and included only nineteen nations, but judging from the rules to which they subscribed they were intensely in earnest in their determination to protect themselves. It appears that the company referred to sought to obtain control over all the docks and basins of Antwerp, to load and unload vessels, and to store goods that were in transit. It proposed to treat directly with the shipper or merchant, but graciously agreed to employ the nations as far as might lie in its power. As this company would possess certain advantages in being amenable to the laws of the land at least, it looked as though it might take the place of the nations in the making of contracts with the shippers. It did not suit the nations to be mere employees or go-betweens, so they signed a compact to the effect that they would do no work for this company, haul goods consigned to it either to or from the docks, nor hire their horses and wagons to any party who would in any way work for it. To show that they meant what they said, the second article of their compact was: "Any of the undersigned nations that may violate the agreement here reached shall for each offense pay the sum of $3,000, which sum shall be divided among the other parties to this contract." It was also specified that no nation could dodge the penalty by changing its functions or constitution in

such a way as to permit any of its members to aid the company against which they were making war. The contract was very explicit in stating what would constitute an offense, as well as specifying the way in which it might be annulled. The outcome of this temporary union was the death of the company in so far as concerned its encroachment upon the functions of the nations. From this struggle all the nations were benefited—those without the bond as well as those within.

The Franco-Prussian war caused an increased activity in the Antwerp shipping, and also brought about no little irregularity in the movement of freight cars, so that it was necessary when a vessel was discharged to have some responsible party to look after the goods, if they were destined for the interior, until cars should be forthcoming. The demands upon the nations increased so rapidly that the usual observance of lines of merchandise was in danger of being disregarded, with the consequent confusion and abuse as to charges, and the organization of new nations was imminent. The members of the loose bond referred to, remembering the advantages that came to them from their union, began to agitate the advisability of its renewal. The assigned reasons for the new bond were: To agree upon a general tariff of charges; to support one another in the abolition of the dram-giving to the workmen with a substituting of increased wages therefor; and to prepare for the nations' participation in the royal festival of 1873.

During the war referred to, in the haste to secure transportation into the interior, it was by no means unusual to offer a gratuity to the railroad official who would place a car at the disposal of the shipper. This habit grew until it became a fixed charge of $1 for each car supplied. The refusal to pay this sum suggested all sorts of excuses for delays in furnishing cars, so that the impatient shipper paid this levy rather than be subjected to costly delays. The bond at once determined to have this species of blackmail suppressed. It was a large and dangerous undertaking. So many of the railroad officials were known to be sharers in this bounty that any attempt to remove it would arouse their ill will, and to have the ill will of these officials would seriously embarrass the nations in their work of loading goods upon the cars and thus detract from their profits. Then, too, these officials, belonging to the Government, had the sympathy of the custom-house officers, who at once took up the fight and strove to injure the nations by opening the custom-house as late as possible in the morning and closing at the earliest minute allowed, thereby shortening the day for the nations and frequently causing them to return to finish some task that could have been done the evening before if a few minutes more had been allowed. The bond appealed for relief to the local chamber of commerce, but without effect. It then presented a memorial to the minister of railroads, fortified it with specific charges of abuse, and showed the importance of correcting these evils by citing the opinion that the chamber of commerce had expressed as to the value of the

nations in contributing to the commercial prosperity of Antwerp. Fortunately the parade of the nations on the occasion of the royal festival mentioned was so imposing, with its score upon score of great freight wagons drawn by hundreds of magnificent horses and manned by the entire membership of the nations, that the minister at once looked into the merits of their case, with the result that a number of guilty officials were removed and all abettors were transferred to other posts. While the ministry issued no special instructions favorable to the nations, it, by the act just mentioned, showed a most hearty interest in their work and a just appreciation of their importance. This was rightly construed as a sufficient hint to all subordinates to facilitate rather than impede the work they had in hand.

Although at this time only eighteen nations were in the bond, all enjoyed the benefits which resulted from the vigorous stand that it took. This is also true of subsequent reforms which it brought about, and in no case has it sought to secure special privileges or to coerce other nations to join. The union during the first few years of its existence was somewhat informal, having for its chief purpose the elimination of certain abuses, but when the results gave such convincing evidence of the benefits to be derived from concerted action it drew up in 1877 a set of rules which, with a few minor changes, is still in force. The rules provide that no nation can accept a person as client who had formerly employed another nation unless the latter had been dropped for good reasons, and then the charges must be no lower than the rates demanded by the nation dropped; that no commission exceeding 5 per cent shall be paid for securing contracts; that each nation shall file with the officers of the bond a list of its clients and keep the list corrected to date; that a nation may regard as a client anyone for whom it has worked for three months, and if two or more nations work for the same house but along different lines each may regard this house as a client, but neither can enter into competition with another; that members of the bond may compete with nations that are not members; that when a merchant leaves a nation belonging to the bond and engages an outside nation, after one month the merchant may be regarded as "in competition," and may be taken by any nation that can secure his trade; that all disputes between members of the bond shall be settled by arbitration, and in reaching a decision the arbitrators may call for the books and accounts of the contending nations if they be needed; and that each nation shall pay a monthly assessment of $5. The constitution here outlined was regarded as so just and its provisions so reasonable that no fear was felt that it would be violated. It was not engrossed, but written on a single sheet, and signed by Wyngaardnatie, Noordnatie, Werf-en Vlasnatie, Valkeniersnatie, Guldenhoeknatie, Werknatie, Hessennatie, Molenbergnatie, Groen-Roknatie, Vlayenatie, Katoennatie, Scheldenatie, Romeinnatie, Tabaknatie, Kraannatie, Zilversmidsnatie, Ruysnatie, and Rijnnatie.

The bond, duly impressed with the spirit of the "golden rule," did not find it necessary to meet frequently in order to see that each member was keeping its pledges, or if it did meet no action was taken worthy of notice, for the record book contains but little beyond the simple entries of receipts and expenditures. Usually these expenditures were for charity or contributions to some public cause, as when it gave $70 toward the Rubens celebration, $100 to the relief of the victims of the Corvilain explosion, $100 to the laborers' fund of Hamburg during its cholera epidemic, and frequent contributions to the Sunday rest fund. However, a few years later, when the impulse given to the commerce of Antwerp by the Franco-Prussian war had expended itself, the city found itself with too many nations. In order to find work those outside of the bond resorted to suicidal reductions in the schedule of charges, and the members of the bond became so apprehensive as to their safety that they decided to make the bond more compact, and to that end resolved to hold monthly meetings. Each member then paid 10 cents as monthly dues, and was fined 40 cents each time he was absent and 10 cents if late. In the new rules nothing was said as to the purpose of those monthly meetings, and it is only by reading the minutes that one can find out just what occupied their time. Here we see a resolution requesting the chief of the custom-house to let the summer hours of opening and closing the warehouses begin on March 15 instead of April 1; also a copy of a letter addressed to the inspector of the railroad station concerning improvements in the loading of cars, and later another letter to the same person about the condition of the roadways in the freight sheds. Now that the bond found that its voice was listened to, it began to look about to see what improvements it might with reason demand. Without going into details, they may be included under the following heads: New regulations regarding the storing of goods in transit; better conditions for the customs employees; a lengthening of the working hours; betterment of the streets and bridges; permission to work at night; lighting of the docks at night; a revision of the method of inspecting goods on the frontier, and an enlargement of the police force on the docks.

A mere glance at the results named above will show that not only the nations in the bond, but the other nations as well, and laborers at large were benefited by the bond's achievements. It is a justifiable boast of the bond that it has labored as hard for the general welfare as for its own profit.

During the year 1883 the bond came into open conflict with the city council in a cause that seemed to show that it did not wish organized labor or improved machinery to compete with the existing nations. A company had applied for a concession to erect and maintain grain elevators upon the docks. Such a concession, if granted, would have thrown several nations completely out of work. They therefore protested, and knowing that several members of the city council were

favorable to this concession, they made their fears publicly known, and in a short time a petition, bearing 25,000 signatures, was presented to the council asking that the privilege demanded be not granted. This circumstance, together with the fact that the privilege was not accorded, is mentioned merely to show what a strong hold the nations have upon the people of Antwerp and how the latter are ever ready to protect the interests and guard the welfare of the former.

The nations are looked upon as constituting one of the unique features of Antwerp, and no great festival is complete without their assistance. There, as in this country, a parade is an essential feature, and the parade of the nations is characteristic and businesslike, for they have in line, besides the sprinkling of brass bands, their huge freight wagons, drawn by their finest horses. Each nation has one wagon for each line of merchandise which it handles, and the wagon is loaded with the same. In the parade that the writer witnessed the Ruysnatie headed the procession with one wagon laden with flour from England, one with Belgian biscuits, one with beef extract, and another with empty jars from England. The Katoennatie followed with wagons bearing wool from Buenos Ayres, rice hulled in Antwerp, refined sugar from Belgium, and Manila tobacco. Noticeable in the line was tea from China, fiber from the Dutch Indies, turpentine from America, palm trees from the Congo, oats from Russia, oil from Germany, guano from Peru, nitrates from Chile, elephant tusks from Africa, canned meat from Chicago, dried skins from Brazil, and in fact nearly every conceivable article of export from the countries of the world. Seventy wagons were in the procession, and the combined value of the loads they carried was estimated to be $100,000. These goods were cheerfully loaned by the consignees, who knew that each article would be returned in the same condition in which it was taken. They also introduced a number of floats, carrying either the implements of work or an object lesson of the way in which their work is accomplished; for instance, the Buildragersnatie, which is the recognized official weighing and measuring corps of Antwerp, had a large platform, built upon and over a wagon, on which men were industriously measuring and weighing grain. All the men were dressed in their work-a-day clothes, with perhaps a new blouse for the occasion. It was interesting to note that nothing incongruous or useless was included just to swell the column, nor did great gaps exist in the ranks to lengthen out the time of passing. The whole parade was conducted on purely practical lines and no theatrical effects were attempted. This procession would impress upon one, more than figures or visiting docks, the importance of Antwerp's shipping and the carrying function of Belgium.

From the most reliable statistics obtainable at the time of the inquiry it was learned that the total membership of the nations was 1,943 and the combined capital $2,934,000.

It is not the purpose of this paper to plead for the establishment in

this country of organizations similar to the nations. The arguments for or against such a step must be found in the description given of the nations, their historic development, the circumstances which surrounded their origin and growth, and the influence they have exerted upon the commercial life and activities around them. On the one hand, it will be noticed that they play a most important part in preserving for Antwerp its commercial prosperity; that they have a firm hold upon the affection and esteem of their employers, and that they contribute largely toward eliminating dangerous and annoying labor troubles; but, on the other hand, it will be observed that, although starting with the idea of cooperation in work and sharing of profits, they passed into organizations of employers, and now have formed a union for the protection and furtherance of self-interests. This union of nations has continued practically unchanged for twenty-five years, and as it has at no time come into conflict with its employers, it may be assumed that it is now working in perfect harmony with the interests of all concerned.

The accumulation of the facts above given has been a labor of considerable moment. The nations being secret organizations, few people know much about their rules or methods, and not one in a hundred, when they see the shining brass initials on the harnesses of the great draft horses, know that they belong to a nation, or if that much is known they could not give the nation's name. In the present investigation the writer consulted shippers and shipowners, officers of the city and of the docks, and laborers and students of labor questions.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

CONNECTICUT.

Thirteenth Annual Report of the Bureau of Labor Statistics of the State of Connecticut, for the year ending November 30, 1897. Samuel B. Horne, Commissioner. 240 pp.

Following are the contents of this report: Letter of transmittal and introduction, 12 pages; condition of workingmen, 106 pages; condition of manufactures, 54 pages; mercantile clerks, 10 pages; municipal employees, 12 pages; laws relating to labor and court decisions, 33 pages.

INTRODUCTION.—The introductory part of the report contains a brief abstract of the subjects investigated, and an account of the action taken by the bureau with reference to alien laborers and insanitary bakeshops. The announcement is made that the State board of mediation and arbitration has prepared no official report, the services of the board not having been required for the adjustment of difficulties between employer and employed. The introduction concludes with an outline of the contents of each report of the bureau issued since its establishment under the present law.

CONDITION OF WORKINGMEN.—This chapter contains statistics of earnings, hours of labor, cost of living, interest, taxes, and rents paid, possible savings of workingmen, occupations and nationality of workingmen, etc. The statistics are based upon returns received from 200 employees. The compilation also includes data concerning the occupations and earnings of men, women, and children taken from the Eleventh Annual Report of the United States Commissioner of Labor.

A summary of the statistics presented shows that of the 200 employees reporting 47 owned their homes, 34 of which were encumbered by mortgages. The amount paid by these 47 house owners for interest, taxes, water rents, and repairs was $4,388.50, or 11.3 per cent of their annual earnings. There were 125 rent payers whose annual expenditure for rent was $14,392, or 19.5 per cent of their annual earnings. The remaining 28 employees report having paid no interest, water rent, taxes, or house rent. The annual living expenses of the entire number of employees reporting (exclusive of amount paid for interest, water rents, taxes, or house rent) were $88,094.07, the total expenditure being $106,874.57. The total earnings were $128,684.58 and the net savings $21,810.01. The table following shows, by place of birth, the average weekly earnings of the 200 employees and their families, and the percentage of earnings devoted to living expenses, to interest, taxes, rents, etc., and to possible savings.

AVERAGE WEEKLY EARNINGS AND COST OF LIVING OF EMPLOYEES.

Place of birth.	Employees.	Average weekly earnings per family.	Per cent of earnings devoted to—			
			Living expenses.	Interest, taxes, rent, etc.	Possible savings.	Total.
United States	107	$13.82	67.8	14.6	17.6	100.0
Italy	36	6.34	88.7	20.5	a 9.2	100.0
England	18	12.40	71.9	14.7	13.4	100.0
Ireland	12	11.84	67.5	13.7	18.8	100.0
Germany	8	17.30	56.9	9.6	33.5	100.0
France	6	11.82	58.9	10.8	30.3	100.0
Switzerland	6	12.28	53.4	21.1	25.5	100.0
Canada	4	19.57	55.5	8.5	36.0	100.0
Sweden	3	13.85	72.7	6.4	20.9	100.0

a Excess of expenditures over earnings.

CONDITION OF MANUFACTURES.—The statistics regarding the condition of manufactures show, by industries, for each of 768 establishments the number of persons employed July 1, 1896, and July 1, 1897, the percentage of increase or decrease in the number employed, average weekly hours of labor, number of days closed, amount paid in wages during the year ending July 1, 1896, and the year ending July 1, 1897, percentage of increase in wages paid, and estimated proportion of business done. Following is a recapitulation of the facts reported:

WAGES AND HOURS OF LABOR OF EMPLOYEES AND BUSINESS CONDITION OF ESTABLISHMENTS FOR THE YEAR ENDING JULY 1, 1897, BY INDUSTRIES.

Industries.	Establishments reporting.	Persons employed July 1—		Increase in number employed (per cent).	Average weekly hours of labor.	Amount paid in wages during the year ending July 1—		Increase in amount of wages paid (per cent).	Estimated per cent of business done of full capacity.
		1896.	1897.			1896.	1897.		
Brass and brass goods	67	12,794	12,821	0.2	57	$6,605,534	$6,110,556	a 7.5	76
Brickmaking	7	247	245	a .8	61	66,053	69,163	4.7	83
Buttons, buckles, and pins	16	1,446	1,535	6.2	57	510,612	469,679	a 8.0	76
Carriages and carriage parts	27	909	809	a 11.0	55	561,004	504,902	a 10.0	63
Corsets	11	4,155	4,352	4.7	56	1,390,626	1,341,195	a 3.6	82
Cotton goods	34	5,983	5,756	a 3.8	54	2,091,611	1,843,159	a 11.9	83
Cotton mills	25	6,226	6,367	2.3	53	1,878,379	1,731,727	a 7.8	80
Cutlery and tools	40	2,172	2,052	a 5.5	53	1,086,347	899,918	a 17.2	70
Firearms	8	1,041	902	a 13.4	52	591,365	484,833	a 18.0	60
General hardware	57	9,363	8,773	a 6.3	54	4,397,948	3,787,898	a 13.9	76
Hats and caps	22	2,598	2,584	a .5	56	1,166,490	1,106,515	a 5.1	70
Hosiery and knit goods	19	2,819	2,528	a 10.3	54	1,036,710	817,419	a 21.2	70
Iron and iron foundries	37	4,734	4,055	a 14.3	56	2,417,494	2,025,508	a 16.2	69
Leather goods	14	556	573	3.1	57	265,267	299,893	13.1	65
Machine shops	70	7,328	6,917	a 5.6	57	4,592,491	3,918,665	a 14.7	79
Musical instruments and parts	8	742	925	24.7	50	487,803	467,912	a 4.1	70
Paper and paper goods	56	2,718	2,625	a 3.4	59	1,078,110	1,011,316	a 6.2	69
Rubber goods	13	3,423	3,818	11.5	53	1,711,069	1,541,333	a 9.9	72
Shoes	9	491	534	8.8	57	192,457	217,026	12.8	88
Silk goods	17	3,803	3,987	4.8	57	1,419,419	1,359,632	a 4.2	69
Silver and plated ware	30	4,193	4,044	a 3.6	59	2,066,150	1,951,321	a 5.6	63
Stonecutting and quarrying	14	699	824	17.9	56	305,452	275,002	a 10.0	58
Wire and wire goods	13	738	731	a .9	57	375,396	303,487	a 19.2	65
Woodworking	46	2,020	2,048	1.4	56	1,039,753	931,110	a 10.4	74
Woolens and woolen mills	47	5,958	6,187	3.8	56	2,134,510	1,858,132	a 12.9	69
Miscellaneous	61	1,778	1,915	7.7	59	935,952	944,428	.9	79
Total	768	88,934	87,907	a 1.2	56	40,404,002	36,271,729	a 10.2	74

a Decrease.

The total number of establishments represented in the table is 768. On July 1, 1897, there were 87,907 employees on the pay rolls of these establishments, a decrease of 1.2 per cent during the year. The reports from all the establishments show an average of 56 hours of labor per week. During the year ending July 1, 1897, $36,271,729 were paid in wages, a decrease of 10.2 per cent during the year. The proportion of business done of full capacity, as estimated by the manufacturers reporting, shows the average to have been 74 per cent.

MERCANTILE CLERKS.—An inquiry concerning the hours of labor, wages paid, and the provisions made for the comfort of the clerks employed in mercantile establishments in the State was made in April, 1897, by the bureau, by means of a circular and schedule sent through the mail. As a result returns were received from 115 establishments employing 2,694 persons. The following table shows by form of trade the number of persons concerning whom information was received, their sex, weekly wages, and hours of labor:

SEX, WAGES, AND HOURS OF LABOR OF CLERKS EMPLOYED IN MERCANTILE ESTABLISHMENTS.

Form of trade.	Establishments.	Employees.			Weekly wages.		Hours of labor.
		Males.	Females.	Total.	Males.	Females.	
Clothing	35	215	15	230	$12.00	$7.50	63
Dry goods	29	830	984	1,814	11.33	6.44	58
House furnishings	15	162	36	198	13.10	7.50	62
Groceries and provisions	17	266	39	305	11.52	7.47	72
Millinery	2	.....	62	62	.....	8.17	61
Shoes	17	71	14	85	12.67	9.46	61–63
Total	115	1,544	1,150	2,694	11.77	6.66	.....

MUNICIPAL EMPLOYEES.—The presentation consists of returns received from officials of the several cities and boroughs in the State showing the hours of labor, wages, and frequency of payment of municipal employees. The list of occupations for which the data are shown includes skilled and unskilled laborers, and police and fire department officers and employees. No summary is shown.

LABOR LAWS AND COURT DECISIONS.—In this chapter are presented copies of all laws relating to labor which were passed or rejected by the Connecticut legislature during the session of 1897. A few important court decisions respecting labor, which were made during the year in different States, are also quoted.

MARYLAND.

Sixth Annual Report of the Bureau of Industrial Statistics of Maryland. 1897. Charles H. Meyers, Chief of Bureau. 222 pp.

This report treats of the following subjects: Statistics of railroads in the State, 43 pages; culture and manufacture of tobacco, 11 pages; Baltimore—description of the city, the ground-rent system, harbor and

channel, and wholesale trade, 68 pages; list of industries in the State, 9 pages; wages and hours of labor in Baltimore trades, 9 pages; oyster culture, 36 pages; coal industry, 39 pages; financial statement, 1 page.

RAILROADS.—A brief description is given of each of the railroads doing business in the State. This is followed by a series of statistical tables showing the earnings, expenses, and freight and passenger traffic of each road, the number, wages, and hours of labor of the employees, and the number of persons killed and injured. The statistics are presented for the years 1892 and 1897. Returns from 15 railroads for the year ending June 30, 1897, are summarized in the following statement:

Earnings from passenger departments	$3,554,619.39
Earnings from freight departments	6,624,772.36
Total earnings from all sources	10,580,392.71
Total expenses of all kinds	7,990,426.36
Number of passengers carried	6,974,650
Tons of freight carried	9,985,873

The following table shows the number of railroad employees and their average wages and hours of labor, by occupations, as reported for 1892 and 1897, respectively:

NUMBER AND AVERAGE WAGES AND HOURS OF LABOR OF RAILROAD EMPLOYEES, BY OCCUPATIONS, 1892 AND 1897.

Occupations.	1892.			1897.		
	Number.	Daily wages.	Hours per day.	Number.	Daily wages.	Hours per day.
General officers	60	*a* $249.27	9	65	*a* $257.98	9
Division superintendents	3	*a* 125.16	.....	22	*a* 140.97	8
Civil engineers	19	*a* 99.49	12	17	*a* 104.72	.....
Master mechanics	10	*a* 108.76	10	9	*a* 111.27	10
Road masters	32	*a* 78.53	10	29	*a* 89.34	10
Clerks	767	*a* 49.79	9	928	*a* 48.37	10
Conductors	243	3.13	9	239	3.23	9
Brakemen	476	1.66	9	483	1.59	9
Baggagemen	87	1.47	9	86	1.62	10
Engineers	314	3.49	9	326	3.30	9
Firemen	315	1.81	9	334	1.79	9
Freight and yard conductors	158	2.98	10	140	2.87	10
Freight and yard engineers	127	3.28	10	127	3.14	10
Freight and yard firemen	148	1.69	10	136	1.71	10
Freight and yard brakemen	421	1.69	10	356	1.72	10
Machinists	318	2.26	10	305	2.10	10
Wipers	58	1.31	9	82	1.35	9
Telegraph operators (not station agents)	307	1.69	11	299	1.53	11
Station agents (not telegraph operators)	340	1.38	9	303	1.38	8
Station agents (also telegraph operators)	245	1.42	10	234	1.25	11
Carpenters	390	1.94	10	318	1.92	10
Section foremen	284	1.75	10	238	1.63	10
Sectionmen	2,017	1.23	10	1,803	1.15	10
Watchmen	822	1.36	12	638	1.18	10
Bridge tenders and pumpmen	30	1.45	10	31	1.47	12
Painters	88	1.72	10	500	1.85	9
Traveling passenger agents	2	4.40	10	1	2.10	10
Other employees	2,804	1.36	10	2,642	1.35	9

a Monthly wages.

The above figures are not complete for all the 15 railroads, the data in many cases representing returns from only a few of the roads. There were 44 persons killed and 329 injured by accident during the year. Of these, 38 deaths and 280 cases of injury were reported as being due to the carelessness of the killed and injured.

TOBACCO.—In this chapter an account is given of the culture and manufacture of Maryland tobacco, its history, and the various stages of its production. The chapter also contains production statistics.

INDUSTRIES.—An alphabetical list is given of all industries in the State, and a table shows the number of farmers in each county and the area of the latter.

WAGES AND HOURS OF LABOR.—The wages, hours of labor, and comments on the same are presented for each of 59 occupations in the city of Baltimore.

OYSTER CULTURE.—This chapter is mainly devoted to extracts from the report of the United States Fish Commission for 1897. Opinions of oystermen and others regarding the condition of the oyster industry in Maryland are also published.

COAL INDUSTRY.—An account is given of the development and present condition of the coal industry, the condition of the miners, and their wages and hours of labor. Statistical tables are presented showing the output for each mine in western Maryland in 1897, and the coal trade, by railways and canal carrying the same, from 1842 to 1897, inclusive. The total output in Maryland in 1897 is given as 3,931,929 tons, an increase of 269,665 over the production in 1896.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

AUSTRIA.

Die Arbeitseinstellungen und Aussperrungen im Gewerbebetriebe in Österreich während des Jahres 1896. Herausgegeben vom Statistischen Departement im k. k. Handelsministerium. 333 pp.

This report on strikes and lockouts during the year 1896, published by the bureau of statistics of the board of trade of Austria, constitutes the sixth annual presentation of official strike statistics for that country. Those for the preceding years were reviewed in Bulletins Nos. 1, 3, and 10. The facts are presented in a series of six tables, containing (1) strikes according to geographical distribution, (2) strikes according to branches of industry, (3) general summary of strikes, (4) comparative figures for 1894, 1895, and 1896, (5) a description of each individual strike, and (6) a description of each lockout.

STRIKES.—A comparison of the strike statistics for 1896 with those for the preceding year shows an increase in the number of strikes, strikers, establishments involved, and time lost.

The following table shows the number of strikes, etc., for each of the six years, 1891 to 1896:

STRIKES BY YEARS, 1891 TO 1896.

Year.	Strikes.	Establishments involved.	Strikers.	Per cent of strikers of total employees.	Days lost.
1891	104	1,917	14,025	34.64	247,086
1892	101	1,519	14,123	57.36	150,992
1893	172	1,207	28,120	61.75	518,511
1894	159	2,468	44,075	72.59	566,463
1895	205	869	28,026	60.88	297,845
1896	294	1,403	36,114	63.33	595,768

The number of strikes, establishments involved, strikers, etc., in 1896, is shown by industries in the table following. Of the total number of strikers reported in 1896, 75.83 per cent were employed in the stone, glass, china, and earthen ware industries, metal and metallic goods, wooden and caoutchouc goods, textiles, and the building trades.

STRIKES IN 1896, BY INDUSTRIES.

Industries.	Strikes.	Establishments.	Total employees.	Strikers.		Others thrown out of employment.	Strikers reemployed.	New employees after strikes.
				Number.	Per cent of total employees.			
Stone, glass, china, and earthen ware	29	112	6,209	3,217	51.81	408	3,145	28
Metal and metallic goods	33	200	3,967	2,973	74.94	92	2,440	328
Machinery and instruments	14	100	4,374	2,058	47.05	19	1,722	214
Wooden and caoutchouc goods	55	340	9,136	5,972	65.37	275	5,135	270
Leather, hides, brushes, and feathers	18	47	1,109	754	67.99	116	630	63
Textiles	43	89	14,586	9,791	67.13	604	9,356	136
Paper hanging and upholstering	1	8	56	37	66.07	.....	.....	32
Wearing apparel and millinery	25	269	3,917	2,563	65.43	6	2,281	78
Paper	3	3	1,497	1,384	92.45	.....	1,377	7
Food preparations	9	48	901	356	39.51	1	251	96
Chemical products	4	4	1,091	875	80.20	18	847	.....
Building trades	42	141	8,626	5,434	63.00	822	4,818	98
Printing and publishing	13	37	787	374	47.52	11	339	19
Power, heat, and light stations	1	1	220	16	7.27	.....	5	11
Commerce	1	1	15	9	60.00	.....	.....	9
Transportation	2	2	140	65	46.43	.....	49	.....
Other industries	1	1	398	236	59.30	.....	202	.....
Total	294	1,403	57,029	36,114	63.33	2,372	32,597	1,389

The following table shows the percentage of strikers and of days lost for each of the five principal groups in detail, and for the other industries collectively:

PERCENTAGE OF STRIKERS AND OF DAYS LOST, BY INDUSTRIES, 1894, 1895, AND 1896.

Industries.	Per cent of strikers.			Per cent of days lost.		
	1894.	1895.	1896.	1894.	1895.	1896.
Stone, glass, china, and earthen ware	14.55	35.48	8.91	5.48	31.18	7.98
Metal and metallic goods	6.24	13.18	8.23	6.69	18.35	7.36
Wooden and caoutchouc goods	22.21	8.34	16.54	49.85	18.24	25.41
Textiles	14.33	14.58	27.11	8.05	11.36	39.44
Building trades	33.98	19.13	15.05	23.14	9.58	4.13
Other industries	8.69	9.29	24.16	6.79	11.29	15.68
Total	100.09	100.00	100.00	100.00	100.00	100.00

The textile industry shows the highest percentage of strikers and of days lost during 1896, namely, 27.11 per cent and 39.44 per cent, respectively. With the exception of wooden and caoutchouc goods, this industry also shows the largest number of strikes.

The table following shows the duration of strikes in 1896, by industries. Of the total number of strikes in 1896, 193, or 65.65 per cent, lasted but 10 days or less, while 17, or 5.78 per cent, continued for more than 60 days. The longest strike lasted 191 days. The average duration of strikes was 15.18 days.

DURATION OF STRIKES IN 1896, BY INDUSTRIES.

Industries.	10 days and under.	11 to 20 days.	21 to 30 days.	31 to 40 days.	41 to 50 days.	51 to 60 days.	Over 60 days.	Total.
Stone, glass, china, and earthen ware	17	3	3	2	1	1	2	29
Metal and metallic goods	23	3	1	1	1	1	3	33
Machinery and instruments	8	3	.....	.....	1	1	1	14
Wooden and caoutchouc goods	24	7	7	3	7	2	5	55
Leather, hides, brushes, and feathers	10	2	1	1	1	1	2	18
Textiles	26	8	3	1	2	.....	3	43
Paper hanging and upholstering	1	.....	.....	.....	.....	.....	.....	1
Wearing apparel and millinery	15	5	1	2	1	.....	1	25
Paper	2	1	.....	.....	.....	.....	.....	3
Food preparations	9	.....	.....	.....	.....	.....	.....	9
Chemical products	3	.....	1	.....	.....	.....	.....	4
Building trades	40	2	.....	.....	.....	.....	.....	42
Printing and publishing	10	1	1	.....	1	.....	.....	13
Power, heat, and light stations	1	.....	.....	.....	.....	.....	.....	1
Commerce	1	.....	.....	.....	.....	.....	.....	1
Transportation	2	.....	.....	.....	.....	.....	.....	2
Other industries	1	.....	.....	.....	.....	.....	.....	1
Total	193	35	18	10	15	6	17	294

In presenting the strikes by causes, the cause and not the strike is made the unit, and the tabulations, therefore, show the number of times that each cause figured as an incentive to a strike, regardless of the actual number of strikes. Thus, in 1896 there were 294 strikes reported, but 354 causes were enumerated. The following table shows the causes of strikes, by industries:

CAUSES OF STRIKES IN 1896, BY INDUSTRIES.

Causes.	Stone, glass, china, and earthen ware.	Metal and metallic goods.	Machinery and instruments.	Wooden and caoutchouc goods.	Leather, hides, brushes, and feathers.	Textiles.	Wearing apparel and millinery.	Food preparations.	Building trades.	Printing and publishing.	Other industries.	Total.
Against reduction of wages	5	5	2	5	.....	3	2	.....	4	.....	1	27
For increase of wages	15	9	6	23	11	14	15	4	28	7	5	137
For regularity or change in method of payment	.....	.....	.....	1	.....	2	1	.....	3	.....	1	8
Against increase of hours or abolition of recesses	.....	.....	1	1	.....	4	.....	.....	1	.....	.....	7
For reduction of hours	3	5	3	20	5	5	3	2	15	4	1	66
For discharge of foremen	.....	6	1	1	1	5	2	.....	2	1	2	21
Against obnoxious treatment	1	1	.....	.....	.....	.....	.....	.....	1	.....	2	5
Against discharge of employees	5	7	2	7	3	7	4	1	.....	.....	3	39
In sympathy with strikes elsewhere	.....	2	1	3	1	1	.....	.....	.....	1	.....	9
Against obnoxious rules	2	3	.....	.....	.....	4	.....	1	1	.....	1	12
For discharge of employees	.....	1	1	2	2	1	.....	.....	1	1	1	10
Other causes	2	.....	1	2	.....	3	1	1	1	1	1	13
Total	33	39	18	65	23	49	28	9	57	15	18	354

The most prevalent cause of strikes in 1896 was the demand for increase of wages, being 137, or 38.70 per cent of all causes. Next in importance was the demand for reduction of hours, 66, or 18.64 per cent of all, being due to this cause.

The following table shows the degree of success or failure of the strikes in 1896, classified according to industries:

RESULTS OF STRIKES IN 1896, BY INDUSTRIES.

Industries.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Strikers.	Strikes.	Strikers.	Strikes.	Strikers.	Strikes.	Strikers.
Stone, glass, china, and earthen ware	6	171	14	2,634	9	412	29	3,217
Metal and metallic goods	10	583	9	1,614	14	776	33	2,973
Machinery and instruments	2	33	2	743	10	1,282	14	2,058
Wooden and caoutchouc goods	15	745	20	4,495	20	732	55	5,972
Leather, hides, brushes, and feathers	4	176	10	487	4	91	18	754
Textiles	9	420	19	5,840	15	3,531	43	9,791
Paper hanging and upholstering	.....	.....	.....	.....	1	37	1	37
Wearing apparel and millinery	3	122	10	1,137	12	1,304	25	2,563
Paper	.....	.....	2	1,377	1	7	3	1,384
Food preparations	.....	.....	1	208	8	148	9	356
Chemical products	1	11	2	788	1	76	4	875
Building trades	9	674	13	2,734	20	2,026	42	5,434
Printing and publishing	4	66	4	241	5	67	13	374
Power, heat, and light stations	.....	.....	1	16	.....	.....	1	16
Commerce	.....	.....	.....	.....	1	9	1	9
Transportation	1	45	.....	.....	1	20	2	65
Other industries	.....	.....	.....	.....	1	236	1	236
Total	64	3,046	107	22,314	123	10,754	294	36,114

Of the strikes in 1896, 64 were successful, 107 were partially successful, and 123 were failures. Of the strikers, 3,046 succeeded, 22,314 succeeded partly, and 10,754 failed.

LOCKOUTS.—During the year 1896 lockouts were reported in 211 establishments, employing 6,847 persons, of whom 5,445 were locked out. The prevailing cause of lockouts was the observance of Labor Day (May 1) by employees. Of the 5,445 employees locked out, 4,589 were reemployed, 720 were dismissed, and the others failed to return.

GREAT BRITAIN.

Report on Changes in the Employment of Women and Girls in Industrial Centers. Part I, Flax and Jute Centers. 1898. iv, 113 pp. (Published by the Labor Department of the British Board of Trade.)

This report was prepared by Miss Collet, one of the labor correspondents of the labor department of the British Board of Trade. It is intended as a continuation of the Report on the Statistics of Employment of Women, published in 1895, and which was reviewed in Bulletin No. 1. The aim of this work has been to bring together in convenient form the most important information regarding the conditions of labor of women and girls at various periods of the present century which is contained in official reports, and to supplement this informa-

tion by fresh inquiry with reference to special points. The sources of information which were most utilized in this volume were the reports of the commissioners and assistant commissioners on the employment of children in factories in 1833, the reports of the commissioners and assistant commissioners on hand-loom weavers in 1838, the factory returns published at intervals from 1835 to 1897, the wages returns of the Board of Trade, and the census reports. In addition, statistics of wages in Dundee in 1896 and in Belfast in 1897 were obtained for the purpose of comparison with wages in those cities in 1833.

The discussion in the present volume relates to the flax and jute industries in the East of Scotland and the flax industry in the North of Ireland and in Yorkshire, England. It is intended to assist in the further study of women's employment, and throws much light upon the questions of the transition from the domestic to the factory system of industry, married women's labor, and the relation of women's and men's work, both as regards character and remuneration at various periods. The principal changes regarding women's employment dealt with in this report are: (1) Changes in organization, with special reference to the different ways in which men and women were affected; (2) changes in wages; (3) changes in the relative numbers of men and women in the industries and in the districts; (4) changes in the extent of employment of married women; (5) changes in occupation.

The following table, arranged from the appendix, shows the extent of employment in the flax and jute industries, by sex and certain age periods, at various times from 1835 to 1895, the tables in the appendix being compiled from the British Factory Returns:

EMPLOYEES IN FLAX AND JUTE FACTORIES IN SCOTLAND, 1835 TO 1895.

Year.	Males.				Females.				Total both sexes.
	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	
1835	713	1,129	1,550	3,392	1,093	3,064	5,860	10,017	13,409
1839	101	2,277	2,356	4,734	142	5,109	7,912	13,163	17,897
1847	109	1,973	3,465	5,547	296	4,253	11,234	15,783	21,330
1850	61	2,949	4,773	7,783	218	(b)	c20,311	20,529	28,312
1856	118	3,174	5,039	8,331	308	(b)	c23,083	23,391	31,722
1862	328	3,446	6,799	10,573	627	(b)	c27,817	28,444	39,017
1868	699	4,249	9,006	13,954	1,182	(b)	c37,011	38,193	52,147
1870	837	5,535	10,926	17,298	1,707	(b)	c45,823	47,530	64,828
1874	2,648	6,415	13,232	22,295	3,693	(b)	c50,721	54,414	76,709
1878	2,273	4,686	11,948	18,907	3,397	(b)	c45,573	48,970	67,877
1885	3,182	4,980	14,338	22,500	4,066	(b)	c48,789	52,855	75,355
1890	2,260	5,494	14,806	22,560	2,601	(b)	c48,946	51,547	74,107
1895	1,754	5,044	15,372	22,170	1,905	10,002	40,544	52,451	74,621

a Including half-timers over 13 years of age.
b Included with those 18 years of age and over.
c Including those 13 years of age and under 18 years.

EMPLOYEES IN FLAX FACTORIES IN IRELAND, 1835 TO 1895.

Year.	Males.				Females.				Total both sexes.
	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	
1835	126	399	463	988	214	1,308	1,171	2,693	3,681
1839	18	1,397	1,366	2,781	86	3,113	3,037	6,236	9,017
1847	9	2,458	3,128	5,595	27	4,235	7,231	11,493	17,088
1850	7	3,024	3,868	6,899	31	(b)	c14,191	14,222	21,121
1856	52	3,844	5,053	8,949	61	(b)	c19,743	19,804	28,753
1862	226	3,761	5,966	9,953	442	(b)	c23,130	23,572	33,525
1868	343	5,812	10,627	16,782	1,031	(b)	c39,237	40,268	57,050
1870	472	5,560	11,307	17,339	1,129	(b)	c36,571	37,700	55,039
1874	1,380	5,960	10,983	18,323	2,175	(b)	c39,818	41,993	60,316
1878	1,577	4,588	10,871	17,036	2,397	(b)	c36,909	39,306	56,342
1885	2,088	4,370	11,911	18,369	3,294	(b)	c40,086	43,380	61,749
1890	2,450	4,791	13,181	20,422	3,406	(b)	c40,647	44,053	64,475
1895	2,067	4,748	14,473	21,288	2,615	7,652	34,558	44,825	66,113

EMPLOYEES IN FLAX FACTORIES IN ENGLAND, 1835 TO 1895.

1835	1,441	1,770	2,341	5,552	1,510	3,741	3,830	9,081	14,633
1839	812	2,279	2,287	5,378	608	4,982	5,605	11,195	16,573
1847	836	2,385	3,837	7,058	752	4,517	7,513	12,782	19,840
1850	739	2,039	3,357	6,135	525	(b)	c12,341	12,866	19,001
1856	683	1,932	3,551	6,166	584	(b)	c13,037	13,621	19,787
1862	886	1,383	3,651	5,920	1,108	(b)	c13,277	14,385	20,305
1868	971	1,730	4,371	7,072	976	(b)	c13,811	14,787	21,859
1870	662	1,744	4,796	7,202	728	(b)	c11,886	12,614	19,816
1874	844	1,380	4,632	6,856	1,245	(b)	c14,226	15,471	22,327
1878	562	808	3,442	4,812	703	(b)	c9,473	10,176	14,988
1885	193	604	2,766	3,563	225	(b)	c7,214	7,439	11,002
1890	147	510	2,193	2,850	180	(b)	c5,856	6,036	8,886
1895	59	483	2,164	2,706	71	1,264	3,857	5,192	7,898

a Including half-timers over 13 years of age.
b Included with those 18 years of age and over.
c Including those 13 years of age and under 18 years.

As to the changes in employment that have taken place in the flax and jute industries, it was found that in Dundee, Scotland, the domestic system under which linen weavers worked in 1833 was gradually abolished by the introduction of the power loom. With the advent of the latter, the male weavers were very largely replaced by women. In the weaving factories, from the very first, the work was done by women, and there was no displacement of men within the factories. In Belfast the power loom made its way more slowly. Men were employed to some extent on these looms as well as women, probably the more readily because the factory system prevailed among the linen weavers before the introduction of the power loom.

Under the hand-loom system, when both men and women worked the loom, there seems to have been no question of difference of payment for the same work. The women did a lighter kind of work than able-bodied men, and were paid the same rate as "old men and boys." Women and girls rarely owned their looms, and their fathers and husbands usually drew their wages under the domestic system. Since then women's wages in the textile industries in Dundee and Belfast have risen much more in proportion than men's wages in the same industries.

Some of the changes in the rates of wages of women as compared with those of men since 1833 may be seen in the following table:

AVERAGE WEEKLY WAGES OF SPINNING-MILL OPERATIVES IN FLAX AND JUTE INDUSTRIES, 1833, 1896, AND 1897.

Sex and age period.	Flax, Scotland, 1833.		Flax and jute, Dundee, 1896.		Flax, Belfast, 1833.		Flax, Belfast, 1897.	
	Average wages.	Average age.	Average wages.	Average age.	Average wages.	Average age.	Average wages.	Average age.
MALES.								
Under 11 years	*a* $0.69	9.7	.....	.....	*a* $0.53	9.8	.....	.....
11 and under 13 years	*a* .81	11.5	*b* $0.83	12.5	*a* .53	11.6	*b* $0.73	12.0
13 and under 18 years	1.10	14.4	2.07	15.0	.77	14.2	1.80	16.2
18 and under 25 years	2.66	20.7	3.12	19.6	3.08	21.7	2.98	20.7
25 years or over	3.45	40.3	4.06	(*c*)	3.41	34.5	6.12	38.7
FEMALES.								
Under 11 years	*a* .59	9.7	.....	.....	*a* .47	9.9	.....	.....
11 and under 13 years	*a* .83	11.6	*b* .75	12.5	*a* .59	11.6	*b* .79	12.0
13 and under 18 years	1.18	15.1	2.15	15.5	.79	14.9	1.70	15.9
18 and under 25 years	1.42	20.3	2.70	21.6	1.05	19.6	2.09	20.8
25 years or over	1.32	34.5	2.51	(*c*)	1.07	29.2	2.13	36.0

a Payment for full time. *b* Payment for half time. *c* Not reported.

A comparison of the Dundee returns for 1896 and those of Belfast for 1897 with the returns for 1833 shows a striking improvement of women's over girls' work. The wages of children also show a marked improvement. Children working half time in 1896 and 1897 earned more than when working full time in 1833.

Rates of wages were at their maximum in Dundee and Belfast in 1873, and at their minimum since that period, in 1886. In 1896, in the Dundee spinning mills the rates of wages were 20 per cent, and in Belfast about 10 per cent, above the rates of 1886. Fluctuations in wages were much more frequent in the jute and flax industries in Dundee than in the flax industry in Belfast. In the former since June, 1873, there were over twenty general changes in wages, while in Belfast since 1871 there were only seven general changes.

The following special circumstances with regard to Dundee are noted in the conclusion of this report: An unceasing immigration of women and girls into Dundee, and an emigration of men from that place, resulting in an abnormal disproportion of the sexes over 20 years of age, women being to men in the ratio of 3 to 2; a high proportion of married women earning wages in the mills; an increase in the percentage of married women. In Belfast, although the average earnings were reported to be lower, the social condition of women in the industrial class appeared to be more satisfactory than in Dundee. The percentage of women occupied in Belfast was found to be much lower than in Dundee, and it was not increasing. The disproportion of the sexes was not so great, and was diminishing. There was a greater variety of employment for women, and there were more openings for skilled workmen.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—EIGHT-HOUR LAW—*Holden v. Hardy, sheriff, 18 Supreme Court Reporter, page 383.*—This case came before the United States Supreme Court upon writs of error to review two judgments of the supreme court of the State of Utah denying applications of the plaintiff in error, Holden, for his discharge upon two writs of habeas corpus, and remanding him to the custody of the sheriff of Salt Lake County. The United States Supreme Court rendered its decision February 28, 1898, and affirmed the judgments of the State court.

The facts in the first case were substantially as follows: On June 20, 1896, complaint was made to a justice of the peace of Salt Lake City that the petitioner, Holden, had unlawfully employed "one John Anderson to work and labor as a miner in the underground workings of the Old Jordan mine, in Bingham canyon, in the county aforesaid, for the period of 10 hours each day; and said defendant, on the date aforesaid and continuously since said time, has unlawfully required said John Anderson, under and by virtue of said employment, to work and labor in the underground workings of the mine aforesaid for the period of 10 hours each day, and that said employment was not in case of an emergency, or where life or property was in imminent danger, contrary," etc.

Defendant Holden, having been arrested upon a warrant issued upon said complaint, admitted the facts set forth therein, but said he was not guilty, because he is a native-born citizen of the United States, residing in the State of Utah; that the said John Anderson voluntarily engaged his services for the hours per day alleged, and that the facts charged did not constitute a crime, because the act of the State of Utah which creates and defines the supposed offense is repugnant to the Constitution of the United States in these respects:

It deprives the defendant and all employers and employees of the right to make contracts in a lawful way, and for lawful purposes.

It is class legislation, and not equal or uniform in its provisions.

It deprives the defendant and employers and employees of the equal protection of the laws, abridges the privileges and immunities of the defendant as a citizen of the United States, and deprives him of his property and liberty without due process of law.

The court, having heard the evidence, found the defendant guilty as charged in the complaint, imposed a fine of $50 and costs, and ordered that the defendant be imprisoned in the county jail for a term of 57 days, or until such fine and costs be paid.

Thereupon petitioner sued out a writ of habeas corpus from the supreme court of the State, annexing a copy of the proceedings before the justice of the peace, and praying his discharge. The supreme court denied his application and remanded him to the custody of the sheriff, whereupon he sued out this writ of error, assigning the unconstitutionality of the law.

In the second case the complaint alleged the unlawful employment by Holden of one William Hooley to work and labor in a certain concentrating mill—the same being an institution for the reduction of ores—for the period of 12 hours per day. The proceedings in this case were precisely the same as in the prior case, and it was admitted that there was no distinction in principle between the two cases.

Mr. Justice Brown, after stating the facts, delivered the following opinion of the court:

This case involves the constitutionality of an act of the legislature of Utah, entitled "An act regulating the hours of employment in underground mines and in smelters and ore-reduction works." The following are the material provisions:

"SECTION 1. The period of employment of workingmen in all underground mines or workings shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

"SEC. 2. The period of employment of workingmen in smelters and all other institutions for the reduction or refining of ores or metals shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

"SEC. 3. Any person, body corporate, agent, manager, or employer, who shall violate any of the provisions of sections one and two of this act shall be guilty of a misdemeanor."

The supreme court of Utah was of opinion that, if authority in the legislature were needed for the enactment of the statute in question, it was found in that part of article 16 of the constitution of the State which declared that "the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines." As the article deals exclusively with the rights of labor, it is here reproduced in full, as exhibiting the authority under which the legislature acted, and as throwing light upon its intention in enacting the statute in question (Laws 1896, p. 219):

"SECTION 1. The rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State.

"SEC. 2. The legislature shall provide by law for a board of labor, conciliation, and arbitration, which shall fairly represent the interests of both capital and labor. The board shall perform duties and receive compensation as prescribed by law.

"SEC. 3. The legislature shall prohibit:

"(1) The employment of women, or of children under the age of 14 years, in underground mines.

"(2) The contracting of convict labor.

"(3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.

"(4) The political and commercial control of employees.

"SEC. 4. The exchange of blacklists by railroad companies, or other corporations, associations, or persons is prohibited.

"SEC. 5. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

"SEC. 6. Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county, or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines.

"SEC. 7. The legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article."

The validity of the statute in question is, however, challenged upon the ground of an alleged violation of the fourteenth amendment to the Constitution of the United States, in that it abridges the privileges or immunities of citizens of the United States, deprives both the employer and the laborer of his property without due process of law, and denies to them the equal protection of the laws. As the three questions of abridging their immunities, depriving them of their property, and denying them the protection of the laws, are so connected that the authorities upon each are, to a greater or less extent, pertinent to the others, they may properly be considered together.

Prior to the adoption of the fourteenth amendment, there was a similar provision against deprivation of life, liberty, or property without due process of law incorporated in the fifth amendment; but as the first eight amendments to the Constitution were obligatory only upon Congress, the decisions of this court under this amendment have but a partial application to the fourteenth amendment, which operates only upon the action of the several States. The fourteenth amendment, which was finally adopted July 28, 1868, largely expanded the power of the Federal courts and Congress, and for the first time authorized the former to declare invalid all laws and judicial decisions of the States abridging the rights of citizens or denying them the benefit of due process of law.

This amendment was first called to the attention of this court in 1872, in an attack upon the constitutionality of a law of the State of Louisiana, passed in 1869, vesting in a slaughterhouse company therein named the sole and exclusive privilege of conducting and carrying on a live-stock landing and slaughterhouse business within certain limits specified in the act, and requiring all animals intended for sale and slaughter to be landed at their wharves or landing places. (Slaughterhouse cases, 16 Wall., 36.) While the court in that case recognized the fact that the primary object of this amendment was to secure to the colored race, then recently emancipated, the full enjoyment of their freedom, the further fact that it was not restricted to that purpose was admitted both in the prevailing and dissenting opinions, and the validity of the act was sustained as a proper police regulation for the health and comfort of the people. A majority of the cases which have since arisen have turned, not upon a denial to the colored race of rights therein secured to them, but upon alleged discriminations in matters entirely outside of the political relations of the parties aggrieved.

These cases may be divided, generally, into two classes: First, where a State legislature or a State court is alleged to have unjustly discriminated in favor of or against a particular individual or class of individ-

uals, as distinguished from the rest of the community, or denied them the benefit of due process of law; second, where the legislature has changed its general system of jurisprudence by abolishing what had been previously considered necessary to the proper administration of justice, or the protection of the individual.

Among those of the first class, which, for the sake of brevity, may be termed "unjust discriminations," are those wherein the colored race was alleged to have been denied the right of representation upon juries (Strauder *v.* West Virginia, 100 U. S., 303; Virginia *v.* Rives, Id., 313; Ex parte Virginia, Id., 339; Neal *v.* Delaware, 103 U. S., 370; Bush *v.* Kentucky, 107 U. S., 110, 1 Sup. Ct., 625; Gibson *v.* Mississippi, 162 U. S., 565, 16 Sup. Ct., 904), as well as those wherein the State was charged with oppressing and unduly discriminating against persons of the Chinese race (Barbier *v.* Connolly, 113 U. S., 27, 5 Sup. Ct., 357; Soon Hing *v.* Crowley, 113 U. S., 703, 5 Sup. Ct., 730; Yick Wo *v.* Hopkins, 118 U. S., 356, 6 Sup. Ct., 1064; Chy Lung *v.* Freeman, 92 U. S., 275), and those wherein it was sought, under this amendment, to enforce the right of women to suffrage, and to admission to the learned professions (Minor *v.* Happersett, 21 Wall., 162; Bradwell *v.* State, 16 Wall., 130).

To this class is also referable all those cases wherein the State courts were alleged to have denied to particular individuals the benefit of due process of law secured to them by the statutes of the State (In re Converse, 137 U. S., 624, 11 Sup. Ct., 191; Arrowsmith *v.* Harmoning, 118 U. S., 194, 6 Sup. Ct., 1023), as well as that other large class, to be more specifically mentioned hereafter, wherein the State legislature was charged with having transcended its proper police power in assuming to legislate for the health or morals of the community.

Cases arising under the second class, wherein a State has chosen to change its methods of trial to meet a popular demand for simpler and more expeditious forms of administering justice, are much less numerous, though of even greater importance, than the others. A reference to a few of these cases may not be inappropriate in this connection. Thus, in Walker *v.* Sauvinet, 92 U. S., 90, which was an action brought by a colored man against the keeper of a coffeehouse in New Orleans for refusing him refreshments, in violation of the constitution of the State securing to the colored race equal rights and privileges in such cases, a statute of the State provided that such cases should be tried by jury if either party demanded it, but if the jury failed to agree the case should be submitted to the judge, who should decide the same. It was held that a trial by jury was not a privilege or immunity of citizenship which the States were forbidden to abridge, but the requirement of due process of law was met if the trial was had according to the settled course of judicial proceedings. "Due process of law," said Chief Justice Waite, "is process due according to the law of the land. This process in the States is regulated by the law of the State." This law was held not to be in conflict with the Constitution of the United States.

Similar rulings with regard to the necessity of a jury or of a judicial trial in special proceedings were made in Kennard *v.* Louisiana, 92 U. S., 480; McMillan *v.* Anderson, 95 U. S., 37; Davidson *v.* New Orleans, 96 U. S., 97; Walston *v.* Nevin, 128 U. S., 578, 9 Sup. Ct., 192; Ex parte Wall, 107 U. S., 265, 2 Sup. Ct., 569.

In Hurtado *v.* California, 110 U. S., 516, 4 Sup. Ct., 111, 292, it was held that due process of law did not necessarily require an indictment by a grand jury in a prosecution by a State for murder. The constitution of California authorized prosecutions for felonies by information,

after examination and commitment by a magistrate, without an indictment by a grand jury, in the discretion of the legislature. It was held that conviction upon such an information, followed by sentence of death, was not illegal under the fourteenth amendment.

In Hayes *v.* Missouri, 120 U. S., 68, 7 Sup. Ct., 350, it was held that a statute of a State which provided that, in capital cases, in cities having a population of over 100,000 inhabitants, the State shall be allowed 15 peremptory challenges to jurors, while elsewhere in the State it was allowed only 8 peremptory challenges, did not deny to a person tried for murder, in a city containing over 100,000 inhabitants, the equal protection of the laws enjoined by the fourteenth amendment, and that there was no error in refusing to limit the State's peremptory challenges to 8.

In Railway Co. *v.* Mackey, 127 U. S., 205, 8 Sup. Ct., 1161, it was said that a statute in Kansas abolishing the fellow-servant doctrine, as applied to railway accidents, did not deny to railroads the equal protection of the laws, and was not in conflict with the fourteenth amendment. The same ruling was made with reference to statutes requiring railways to erect and maintain fences and cattle guards, and make them liable in double the amount of damages claimed, for the want of them.

In Hallinger *v.* Davis, 146 U. S., 314, 13 Sup. Ct., 105, it was held that a State statute conferring upon an accused person the right to waive a trial by jury, and to elect to be tried by the court, and conferring power upon the court to try the accused in such case, was not a violation of the due-process clause of the fourteenth amendment.

So, In re Kemmler, 136 U. S., 436, 10 Sup. Ct., 930, it was held that the law providing for capital punishment by electricity was not repugnant to this amendment. And in Duncan *v.* Missouri, 152 U. S., 377, 14 Sup. Ct., 570, it was said that the prescribing of different modes of procedure, and the abolition of courts, and the creation of new ones, leaving untouched all the substantial protection with which the existing law surrounds persons accused of crime, are not considered within the constitutional inhibition. (See, also, Medley, Petitioner, 134 U. S., 160, 10 Sup. Ct., 384; Holden *v.* Minnesota, 137 U. S., 484, 11 Sup. Ct., 143.)

An examination of both these classes of cases under the fourteenth amendment will demonstrate that, in passing upon the validity of State legislation under that amendment, this court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure which, at the time the Constitution was adopted, were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests, while, upon the other hand, certain other classes of persons (particularly those engaged in dangerous or unhealthful employments) have been found to be in need of additional protection. Even before the adoption of the Constitution much had been done toward mitigating the severity of the common law, particularly in the administration of its criminal branch. The number of capital crimes in this country, at least, had been largely decreased. Trial by ordeal and by battle had never existed here, and had fallen into disuse in England. The earlier practice of the common law, which denied the benefit of witnesses to a person accused of felony, had been abolished by statute, though, so far as it deprived him of the assistance of counsel and compulsory process for the attendance of his witnesses, it had not

been changed in England. But, to the credit of her American colonies, let it be said that so oppressive a doctrine had never obtained a foothold there.

The present century has originated legal reforms of no less importance. The whole fabric of special pleading, once thought to be necessary to the elimination of the real issue between the parties, has crumbled to pieces. The ancient tenures of real estate have been largely swept away, and land is now transferred almost as easily and cheaply as personal property. Married women have been emancipated from the control of their husbands and placed upon a practical equality with them with respect to the acquisition, possession, and transmission of property. Imprisonment for debt has been abolished. Exemptions from execution have been largely added to, and in most of the States homesteads are rendered incapable of seizure and sale upon forced process. Witnesses are no longer incompetent by reason of interest, even though they be parties to the ligitation. Indictments have been simplified, and an indictment for the most serious of crimes is now the simplest of all. In several of the States grand juries, formerly the only safeguard against a malicious prosecution, have been largely abolished, and in others the rule of unanimity, so far as applied to civil cases, has given way to verdicts rendered by a three-fourths majority. This case does not call for an expression of opinion as to the wisdom of these changes, or their validity under the fourteenth amendment, although the substitution of prosecution by information in lieu of indictment was recognized as valid in Hurtado *v.* California, 110 U. S., 516, 4 Sup. Ct., 111, 292. They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that, while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible, and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens, as they may deem best for the public welfare, without bringing them into conflict with the supreme law of the land.

Of course, it is impossible to forecast the character or extent of these changes; but in view of the fact that, from the day Magna Charta was signed to the present moment, amendments to the structure of the law have been made with increasing frequency, it is impossible to suppose that they will not continue, and the law be forced to adapt itself to new conditions of society, and particularly to the new relations between employers and employees, as they arise.

Similar views have been heretofore expressed by this court. Thus, in the case of Missouri *v.* Lewis, 101 U. S., 22, 31, it was said by Mr. Justice Bradley: "We might go still further, and say, with undoubted truth, that there is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York city and the surrounding counties, and the common law and its methods of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its doing so. This would not, of itself, within the meaning of the fourteenth amendment, be a denial to any person of the equal protection of the laws. * * * The fourteenth amendment does not profess to secure to all persons in the United States the benefit of the same laws and the same remedies. Great

diversities in these respects may exist in two States separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on the other no such right. Each State prescribes its own modes of judicial proceeding. If diversities of laws and judicial proceedings may exist in the several States without violating the equality clause in the fourteenth amendment, there is no solid reason why there may not be such diversities in different parts of the same State."

The same subject was also elaborately discussed by Mr. Justice Matthews in delivering the opinion of this court in Hurtado *v.* California, 110 U. S., 516, 530, 4 Sup. Ct., 118: "This flexibility and capacity for growth is the peculiar boast and excellence of the common law. * * * The Constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the traditions of English law and history; but it was made for an undefined and expanding future, and for a people gathered and to be gathered from many nations, and of many tongues. And, while we take just pride in the principles and institutions of common law, we are not to forget that, in lands where other systems of jurisprudence prevail, the ideas and processes of civil justice are also not unknown. Due process of law, in spite of the absolutism of continental governments, is not alien to that code which survived the Roman Empire as the foundation of modern civilization in Europe, and which has given us that fundamental maxim of distributive justice—'Suum cuique tribuere.' There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and, as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mold and shape it into new, and not less useful, forms." We have seen no reason to doubt the soundness of these views. In the future growth of the nation, as heretofore, it is not impossible that Congress may see fit to annex territories whose jurisprudence is that of the civil law. One of the considerations moving to such annexation might be the very fact that the territory so annexed should enter the Union with its traditions, laws, and systems of administration unchanged. It would be a narrow construction of the Constitution to require them to abandon these, or to substitute for a system which represented the growth of generations of inhabitants a jurisprudence with which they had had no previous acquaintance or sympathy.

We do not wish, however, to be understood as holding that this power is unlimited. While the people of each State may doubtless adopt such systems of laws as best conform to their own traditions and customs, the people of the entire country have laid down in the Constitution of the United States certain fundamental principles, to which each member of the Union is bound to accede as a condition of its admission as a State. Thus the United States are bound to guarantee to each State a republican form of government, and the tenth section of the first article contains certain other specified limitations upon the power of the several States, the object of which was to secure to Congress paramount authority with respect to matters of universal concern. In addition, the fourteenth amendment contains a sweeping provision forbidding the States from abridging the privileges and immunities of citizens of the United States, and denying them the benefit of due process or equal protection of the laws.

This court has never attempted to define with precision the words "due process of law," nor is it necessary to do so in this case. It is sufficient to say that there are certain immutable principles of justice, which inhere in the very idea of free government, which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice, and an opportunity of being heard in his defense. What shall constitute due process of law was perhaps as well stated by Mr. Justice Curtis in Murray's Lessees *v.* Land Co., 18 How., 272, 276, as anywhere. He said: "The Constitution contains no description of those processes which it was intended to allow or forbid. It does not even declare what principles are to be applied to ascertain whether it be due process. It is manifest that it was not left to the legislative power to enact any process which might be devised. The article is a restraint on the legislative as well as on the executive and judicial powers of the Government, and can not be so construed as to leave Congress free to make any process 'due process of law' by its mere will. To what principles, then, are we to resort to ascertain whether this process enacted by Congress is due process? To this the answer must be twofold: We must examine the Constitution itself to see whether this process be in conflict with any of its provisions. If not found to be so, we must look to those settled usages and modes of proceeding existing in the common and statute law of England before the emigration of our ancestors, and which are shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of this country.

It was said by Mr. Justice Miller, in delivering the opinion of this court in Davidson *v.* New Orleans, 96 U. S., 97, that the words "law of the land," as used in Magna Charta, implied a conformity with the "ancient and customary laws of the English people," and that it was wiser to ascertain their intent and application by the "gradual process of judicial inclusion and exclusion as the cases presented for decision shall require, with the reasoning on which such decisions may be founded." Recognizing the difficulty in defining with exactness the phrase "due process of law," it is certain that these words imply a conformity with natural and inherent principles of justice, and forbid that one man's property, or right to property, shall be taken for the benefit of another, or for the benefit of the State, without compensation, and that no one shall be condemned in his person or property without an opportunity of being heard in his own defense.

As the possession of property, of which a person can not be deprived, doubtless implies that such property may be acquired, it is safe to say that a State law which undertakes to deprive any class of persons of the general power to acquire property would also be obnoxious to the same provision. Indeed, we may go a step further, and say that as property can only be legally acquired, as between living persons, by contract, a general prohibition against entering into contracts with respect to property, or having as their object the acquisition of property, would be equally invalid.

The latest utterance of this court upon this subject is contained in the case of Allgeyer *v.* Louisiana, 165 U. S., 578, 591, 17 Sup. Ct., 427, in which it was held that an act of Louisiana which prohibited individuals within the State from making contracts of insurance with corporations doing business in New York was a violation of the fourteenth amendment. In delivering the opinion of the court, Mr. Justice Peckham remarked: "In the privilege of pursuing an ordinary calling or trade, and of acquiring, holding, and selling property, must be embraced

the right to make all proper contracts in relation thereto; and, although it may be conceded that this right to contract in relation to persons or property, or to do business within the jurisdiction of the State, may be regulated, and sometimes prohibited, when the contracts or business conflict with the policy of the State as contained in its statutes, yet the power does not and can not extend to prohibiting a citizen from making contracts of the nature involved in this case, outside of the limits and jurisdiction of the State, and which are also to be performed outside of such jurisdiction."

This right of contract, however, is itself subject to certain limitations which the State may lawfully impose in the exercise of its police powers. While this power is inherent in all governments, it has doubtless been greatly expanded in its application during the past century, owing to an enormous increase in the number of occupations which are dangerous or so far detrimental to the health of employees as to demand special precautions for their well being and protection or the safety of adjacent property. While this court has held (notably in the cases of New Orleans *v.* Davidson, 95 U. S., 465, and Yick Wo *v.* Hopkins, 118 U. S., 356, 6 Sup. Ct., 1064) that the police power can not be put forward as an excuse for oppressive and unjust legislation, it may be lawfully resorted to for the purpose of preserving the public health, safety, or morals, or the abatement of public nuisances, and a large discretion "is necessarily vested in the legislature, to determine, not only what the interests of the public require, but what measures are necessary for the protection of such interests." (Lawton *v.* Steele, 152 U. S., 133, 136, 14 Sup. Ct., 499.)

The extent and limitations upon this power are admirably stated by Chief Justice Shaw in the following extract from his opinion in Massachusetts *v.* Alger, 7 Cush., 84: "We think it a settled policy, growing out of the nature of well-ordered civil society, that every holder of property, however absolute and unqualified his title, holds it under the implied liability that its use may be so regulated that it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. All property in this Commonwealth, as well in the interior as that bordering on the tide waters, is derived directly or indirectly from the Government, and held subject to those general regulations which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitation in their enjoyment as will prevent them from being injurious, and to such reasonable restraints and regulations by law as the legislature, under the Government and controlling power vested in them by the Constitution, may think necessary and expedient."

This power, legitimately exercised, can neither be limited by contract nor bartered away by legislation.

While this power is necessarily inherent in every form of government, it was, prior to the adoption of the Constitution, but sparingly used in this country. As we were then almost purely an agricultural people, the occasion for any special protection of a particular class did not exist. Certain profitable employments, such as lotteries and the sale of intoxicating liquors, which were then considered to be legitimate, have since fallen under the ban of public opinion, and are now either altogether prohibited or made subject to stringent police regulations. The power to do this has been repeatedly affirmed by this court. (Stone *v.* Mississippi, 101 U. S., 814; Douglas *v.* Kentucky, 168, U. S., 488, 18 Sup. Ct., 199; Giozza *v.* Tiernan, 148 U. S., 657, 13 Sup. Ct., 721; Kidd *v.* Pearson,

128 U. S., 1, 9 Sup. Ct., 6; Crowley *v.* Christensen, 137 U. S., 86, 11 Sup. Ct., 13.)

While the business of mining coal and manufacturing iron began in Pennsylvania as early as 1716, and in Virginia, North Carolina, and Massachusetts even earlier than this, both mining and manufacturing were carried on in such a limited way, and by such primitive methods, that no special laws were considered necessary, prior to the adoption of the Constitution, for the protection of the operatives; but, in the vast proportions which these industries have since assumed, it has been found that they can no longer be carried on, with due regard to the safety and health of those engaged in them, without special protection against the dangers necessarily incident to these employments. In consequence of this, laws have been enacted in most of the States designed to meet these exigencies and to secure the safety of persons peculiarly exposed to these dangers. Within this general category are ordinances providing for fire escapes for hotels, theaters, factories, and other large buildings; a municipal inspection of boilers, and appliances designed to secure passengers upon railways and steamboats against the dangers necessarily incident to these methods of transportation. In States where manufacturing is carried on to a large extent provision is made for the protection of dangerous machinery against accidental contact; for the cleanliness and ventilation of working rooms; for the guarding of well holes, stairways, elevator shafts, and for the employment of sanitary appliances. In others, where mining is the principal industry, special provision is made for the shoring up of dangerous walls; for ventilation shafts, bore holes, escapement shafts, means of signaling the surface; for the supply of fresh air, and the elimination, as far as possible, of dangerous gases; for safe means of hoisting and lowering cages; for a limitation upon the number of persons permitted to enter a cage; that cages shall be covered; and that there shall be fences and gates around the top of shafts, besides other similar precautions. (Sand. & H. Dig. Ark., p. 1149; Rev. St. Cal., secs. 5045–5062; Supp. Mills' Ann. St. Colo., c. 85; Gen. St. Conn. 1888, secs. 2645–2647, 2263–2272; Rev. St. Ill. 1889, p. 980; Thornt. Ind. St. 1897, c. 98, p. 1652; 2 Gen. St. Kan. 1897, pp. 813–824; Ky. St. (Barbour & Carroll), c. 88, p. 951; Supp. Pub. St. Mass. 1889–1895, pp. 582, 746, 1163; How. Ann. St. Mich., sec. 9209b et seq.; 3 Gen. St. N. J., p. 1900 et seq.; 2 Rev. St. (Code & Gen. Laws N. Y.), p. 2069; Supp. Bright. Purd. Dig. Pa., p. 2241 et seq.)

These statutes have been repeatedly enforced by the courts of the several States; their validity assumed; and, so far as we are informed, they have been uniformly held to be constitutional.

In Daniels *v.* Hilgard, 77 Ill., 640, it was held that the legislature had power under the constitution to establish reasonable police regulations for the operating of mines and collieries, and that an act providing for the health and safety of persons employed in coal mines, which required the owner or agent of every coal mine or colliery employing 10 men or more to make, or cause to be made, an accurate map or plan of the workings of such coal mine or colliery was not unconstitutional, and that the question whether certain requirements are a part of a system of police regulations, adopted to aid in the protection of life and health, was properly one of legislative determination, and that a court should not lightly interfere with such determination, unless the legislature had manifestly transcended its province. (See also Coal Co. *v.* Taylor, 81 Ill., 590.)

In Pennsylvania *v.* Bonnell, 8 Phila., 534, a law providing for the

ventilation of coal mines, for speaking tubes, and the protection of cages was held to be constitutional and subject to strict enforcement. (Pennsylvania *v.* Conyngham, 66 Pa. St., 99; Durant *v.* Coal Co., 97 Mo., 62.)

But if it be within the power of a legislature to adopt such means for the protection of the lives of its citizens, it is difficult to see why precautions may not also be adopted for the protection of their health and morals. It is as much for the interest of the State that the public health should be preserved as that life should be made secure. With this end in view, quarantine laws have been enacted in most, if not all, of the States; insane asylums, public hospitals, and institutions for the care and education of the blind established; and special measures taken for the exclusion of infected cattle, rags, and decayed fruit. In other States laws have been enacted limiting the hours during which women and children shall be employed in factories; and while their constitutionality, at least as applied to women, has been doubted in some of the States, they have been generally upheld. Thus, in the case of Com. *v.* Hamilton Mfg. Co., 120 Mass., 383, it was held that a statute prohibiting the employment of all persons under the age of 18, and of all women laboring in any manufacturing establishment more than 60 hours per week, violates no contract of the Commonwealth implied in the granting of a charter to a manufacturing company, nor any right reserved under the constitution to any individual citizen, and may be maintained as a health or police regulation.

Upon the principles above stated we think the act in question may be sustained as a valid exercise of the police power of the State. The enactment does not profess to limit the hours of all workmen, but merely those who are employed in underground mines, or in the smelting, reduction, or refining of ores or metals. These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees; and, so long as there are reasonable grounds for believing that this is so, its decision upon this subject can not be reviewed by the Federal courts.

While the general experience of mankind may justify us in believing that men may engage in ordinary employments more than 8 hours per day without injury to their health, it does not follow that labor for the same length of time is innocuous when carried on beneath the surface of the earth, where the operative is deprived of fresh air and sunlight, and is frequently subjected to foul atmosphere and a very high temperature, or to the influence of noxious gases generated by the processes of refining or smelting.

We concur in the following observations of the supreme court of Utah in this connection: "The conditions with respect to health of laborers in underground mines doubtless differ from those in which they labor in smelters and other reduction works on the surface. Unquestionably, the atmosphere and other conditions in mines and reduction works differ. Poisonous gases, dust, and impalpable substances arise and float in the air in stamp mills, smelters, and other works in which ores containing metals, combined with arsenic or other poisonous elements or agencies, are treated, reduced, and refined, and there can be no doubt that prolonged effort, day after day, subject to such conditions and agencies, will produce morbid, noxious, and often deadly effects in the human system. Some organisms and systems will resist and endure such conditions and effects longer than others. It may be said that labor in such conditions must be performed. Granting that, the period of labor each day should be of a reasonable length.

Twelve hours per day would be less injurious than 14, 10 than 12, and 8 than 10. The legislature has named 8. Such a period was deemed reasonable. * * * The law in question is confined to the protection of that class of people engaged in labor in underground mines, and in smelters and other works wherein ores are reduced and refined. This law applies only to the classes subjected by their employment to the peculiar conditions and effects attending underground mining and work in smelters, and other works for the reduction and refining of ores. Therefore it is not necessary to discuss or decide whether the legislature can fix the hours of labor in other employments. Though reasonable doubts may exist as to the power of the legislature to pass a law, or as to whether the law is calculated or adapted to promote the health, safety, or comfort of the people, or to secure good order or promote the general welfare, we must resolve them in favor of the right of that department of government." (46 Pac., 1105.)

The legislature has also recognized the fact, which the experience of legislators in many States has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules, and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may properly interpose its authority.

It may not be improper to suggest in this connection that although the prosecution in this case was against the employer of labor, who apparently, under the statute, is the only one liable, his defense is not so much that his right to contract has been infringed upon, but that the act works a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency from the latter class. But the fact that both parties are of full age, and competent to contract, does not necessarily deprive the State of the power to interfere, where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself. The State still retains an interest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety, and welfare are sacrificed or neglected, the State must suffer.

We have no disposition to criticise the many authorities which hold that State statutes restricting the hours of labor are unconstitutional. Indeed, we are not called upon to express an opinion upon this subject. It is sufficient to say of them that they have no application to cases where the legislature had adjudged that a limitation is necessary for the preservation of the health of employees, and there are reasonable grounds for believing that such determination is supported by the facts. The question in each case is whether the legislature has adopted the statute in exercise of a reasonable discretion, or whether its action be a mere excuse for an unjust discrimination, or the oppression or spoliation of a particular class. The distinction between these two different classes of enactments can not be better stated than by a comparison of the views of this court found in the opinions in Barbier *v.* Connolly, 113 U. S., 27, 5 Sup. Ct., 357, and Soon Hing *v.* Crowley, 113

U. S., 703, 5 Sup. Ct., 730, with those later expressed in Yick Wo *v.* Hopkins, 118 U. S., 356, 6 Sup. Ct., 1064.

We are of opinion that the act in question was a valid exercise of the police power of the State, and the judgments of the supreme court of Utah are therefore affirmed.

Mr. Justice Brewer and Mr. Justice Peckham dissented.

CONSTITUTIONALITY OF STATUTE — TRADE-MARKS OF TRADE UNIONS, ETC.—*Schmalz v. Wooley et al., 39 Atlantic Reporter, page 539.*—This case came before the court of chancery of New Jersey upon a bill in equity asking for an injunction and damages. Said bill was demurred to, and after a hearing upon the demurrer the court rendered its decision February 5, 1898, and sustained the demurrer.

From the opinion of the court, which was delivered by Vice-Chancellor Stevens, the following, showing the facts in the case and the reasons for the decision, is quoted:

This bill is filed on behalf of an unincorporated association of journeymen hatters known as the Union Hat Makers' Association of Newark, N. J., of which complainant is president. It alleges that the association, on September 16, 1896, caused to be filed for record with the secretary of state duplicate copies of the label, trade mark, etc., before that time adopted by said association, and that the same has been owned and in actual use by the United Hatters of North America and by the Union Hat Makers' Association, a subassociation, and the other subassociations and local unions of journeymen hatters throughout the United States and Canada, for about 10 years past, "for the purpose of designating, making known, or distinguishing goods, wares, merchandise, or other products of labor, as having been made, manufactured, produced, prepared, packed, or put on sale by such persons or associations or unions of workingmen known as journeymen hatters, or by a member or members of such associations or unions;" and that the class of merchandise to which the label has been appropriated consists of hats and caps upon which the skilled labor required has been done by a member of the United Hatters of North America or of the subassociations or local unions of journeymen hatters belonging thereto. The label consists of a picture or representation of a globe, over which is written the words "Union Made," and around which is written "The United Hatters of North America." The bill alleges that the defendants Wooley and Crane, of the city of Newark, are and have been for more than 3 years last past partners in trade, engaged in the business of manufacturing and selling hats in large quantities at their factory in Fair street, Newark, and that they are now, and for the last 3 years have been, wrongfully and knowingly using a counterfeit or imitation label on all or nearly all hats finished at and sent out from their factory, and that their factory is a "foul shop," not working under the jurisdiction of the said United Hatters of North America. The bill prays for an injunction and damages. The defendant demurs.

The complainant puts his title to relief, first, on the principle on which equity ordinarily interferes in such cases; and secondly, on the provisions of those acts of legislature which provide for the adoption of labels by unions of workingmen.

His first position is clearly untenable, in view of the decision in Schneider *v.* Williams, 44 N. J. Eq., 391, 14 Atl., 812. That case is, in all its essential features, identical with the case in hand. In both cases a label was adopted which was to be placed upon goods made by members of the association only. In both cases such labels had been used for a considerable period of time, and in both cases the defendants were alleged to be conducting their business in such manner as to deceive those who dealt with them. But in neither case did the bill show that the complainant, or those whom he represented, had any property right in the goods labeled. In referring to the bill then before him, Vice-Chancellor Van Fleet said that it was defective in this respect: It did "not show that the complainants have applied their mark or label to a vendible commodity, of which they are the owners or in which they trade, and that they have put such commodity, marked with their mark, on the market." The case in hand discloses the same defect. It is not anywhere alleged that the association of journeymen hatters, on whose behalf complainant sues, are the owners of or that they are trading in the hats or caps to which the label is applied, or that they have ever put them on the market. Without overruling this decision, it would be impossible to give complainant relief on the ground of the ordinary practice of courts of equity in dealing with trade-marks or labels.

But it is said that the statute has conferred a new right upon these associations. The first act was passed in March, 1889, the year after the decision in Schneider *v.* Williams, and presumably in view of that decision. It authorizes the court to enjoin the manufacture, use, or display of labels made to counterfeit the labels adopted by associations or unions of workingmen. This act is attacked as being contrary to that provision of the constitution of this State, which prescribes that the legislature shall not pass private, local, or special laws "granting to any corporation, association, or individual any exclusive privilege, immunity, or franchise whatever." The argument is that the legislature has conferred upon associations or unions of workingmen a right of property in labels or trade-marks which it has not conferred upon other citizens. What is the nature of the right conferred? Section 1 (3 Gen. St., p. 3678) enacts that it shall be lawful for associations and unions of workingmen to adopt, for their protection, labels, trade-marks, and forms of advertisements announcing that goods manufactured by members of such associations or unions are so manufactured. By section 2 it is enacted that persons counterfeiting these labels, etc., shall be guilty of a misdemeanor punishable by fine and imprisonment; and by section 5 it is further enacted that every association or union adopting a label may proceed by suit in the courts of this State "to enjoin the manufacture, use, display, or sale of any such counterfeits, and that all courts having jurisdiction thereof (1) shall grant an injunction to restrain and prevent such manufacture, use, display, or sale;" (2) shall award the complainant damages; (3) shall require the defendants to pay to the party injured the profits derived from such use; and (4) shall order the counterfeit destroyed.

Now, it seems to me, by these provisions, the legislature has sought to convert what was only an imperfect right—that is, a right incapable of being asserted in a court of justice against those who violate it—into a complete and perfect one—a right protected by both criminal and civil sanctions. Before its passage the right of property in a label or trade-mark could only be asserted by those who owned or traded in the goods to which it was applied. After its passage it was to become a species

of property per se, without any reference to whether the owner of the label or trade-mark owned or traded in the goods to which it was applied or not, or to whether it had ever been applied to any goods or not. This new property right was, however, by the act of 1889, given only to associations or unions of workingmen. No doubt these words apply to unincorporated as well as to incorporated associations and unions. Giving to them this, their widest, signification, it is self-evident that they embrace neither associations nor unions other than associations or unions of workingmen, nor individual citizens. What, then, the legislature has done is this: It has sought to give to some associations and to some individuals a right or privilege which it has not given to other associations and to other individuals. On this two questions arise: Is the right in question a "privilege," within the meaning of the constitution? and, if a privilege, is it one which may be given solely to associations or unions of workingmen?

The right to the absolute ownership of a distinguishing mark or design, protected by all the sanctions of the law, which may indicate either the origin of the article made, aside from ownership, or the bodies or persons who may have examined or approved it, is undoubtedly a valuable right, to many persons, under any circumstances. It being clear that this right so conferred upon associations or unions of workingmen is a privilege, in the constitutional sense, the question, then, is whether it is a privilege which may be given solely to associations or unions of workingmen; that is, whether the law which confers it is or is not special. It is so, unless it embraces the entire class of persons to whose condition or needs it may be appropriate. The law conferring the privilege must, in the language of Mr. Justice Knapp, in Randolph *v.* Wood, 49 N. J. Law, 88, 7 Atl., 286, "embrace all and exclude none whose condition and wants render such legislation equally necessary or appropriate to them as a class." Now, the act in question does not embrace all whose condition and wants render such legislation appropriate. In the first place, it extends only to associations or unions of workingmen, not to individual workingmen, even though those workingmen may be members of an association or union. It would, I think, be difficult to assert that individual workingmen who have acquired a reputation for what they make might not derive the same kind of benefit, in greater or less degree, from the right to adopt a label, protected by the law, that associations might derive from it. In the second place, giving to the word "workingman" a very broad significance—a significance perhaps broader than fairly belongs to it—and conceding it to include all who work, whether with their hands or with their brains, it could not be held to embrace partnerships, some of whose members contribute capital only, or corporations engaged in manufacturing or trading, and yet some of these firms and companies might find it convenient to have the same privilege, protected by the same sanctions, as is accorded to unions of workingmen; for this right is broader than the ordinary right to labels and to trade-marks, properly so called. It seems plain, therefore, that this act does exclude from its operation some classes of persons to whom such legislation would be appropriate, and it is therefore open to the constitutional objection of being a special law.

But it is said that the defect is cured by the act of 1892 as amended by the act of 1895. (3 Gen. St., p. 3679.) That act, so amended, provides that whenever any person or any association or union of workingmen has adopted or shall adopt any label, etc., it shall be unlawful to counterfeit it and to use and sell the counterfeit. Thus worded, it

embraces, no doubt, all kinds of persons and associations. The word "person" is inserted, and the word "association" is divorced, by the mode of expression, from its exclusive relation to workingmen. The insistment on the part of the defendants is that this supplement does not comply with the constitutional requirement that "every law shall embrace but one subject and that shall be expressed in its title." The title of the act of 1892 is "a further supplement to an act entitled 'An act to protect trade-marks and labels.'" The title of the act of 1895 is "An act to amend an act entitled 'A further supplement to an act entitled 'An act to protect trade-marks and labels,' approved March 23, 1892.'" Now, the difficulty arises here. There is upon our statute books no act entitled "An act to protect trade-marks and labels." The original act of 1889, whose provisions I have already discussed, is styled "An act to provide for the adoption of labels, trade-marks, and forms of advertising by associations or unions of workingmen and to regulate the same." This was the only act upon our statute books relating to the subject of labels and trade-marks when the act of 1892 was passed. Under these circumstances, we may deal with the title of the act of 1892 in two ways—we may consider it literally or we may read it as referring to the act of 1889. If we take it literally, it clearly fails to conform to the constitutional provision above mentioned. "The criterion in these cases," says the late chief justice in Falkner *v.* Dorland, 54 N. J. Law, 410, 24 Atl., 403, "is to ascertain, as closely as practicable, what impression, as to the object of the statute, its titular expression is calculated to disseminate." The expressed object of the title under consideration is to supplement another act, viz, an act entitled "An act to protect trade-marks and labels." But, as there is no such act upon our statute books, it can not be supplemented. The expressed object of the act of 1892 is therefore incapable of being effectuated. The title "is erroneous in the worst degree, for it is misleading." Taken literally, it can not be sustained.

But it is not necessary that the title of the amended act should be set out *in hæc verba*. In State *v.* Woolard (N. C., 1896), 25 S. E., 719, it was said that, if sufficient appears in the title to make it clear beyond cavil what prior act is referred to, it will be good. Does it clearly appear in the title of the act of 1892 that the prior act referred to is the act of 1889? While I think this may admit of some doubt, I will assume that, because there was only one act upon our statute book relating to this subject, the title of the act of 1892 is to be read as referring to that. Taking this view of the matter, and this is the view that is most favorable to complainant, we are met with another difficulty. The act then becomes a supplement to an act to provide for the adoption of labels, etc., by associations or unions of workingmen. To this restricted object the act itself, in its body, must be limited. It was contended by counsel for complainant that the title of the act of 1889 might be so construed as to make it sufficiently general; that the words "the same" might be read as referring to labels, trade-marks, and forms of advertising generally, and not merely to those adopted by associations or unions. If the title in any part of it had dealt with the general subject of labels, trade-marks, and forms of advertising, this construction might be possible. But it does not; it only deals with labels, trade-marks, and forms of advertising by associations or unions. This limited class of labels, etc., is therefore the only antecedent to which the word "same" can by any possibility refer. There is no other. The title under consideration plainly has reference, not to labels, etc., generally, but only to those adopted by associations or

unions of workingmen, and the word "same" can refer only to the labels, etc., so adopted.

I have thus far considered the case on the assumption that the act referred to in the title of the act of 1892 is the act of 1889. It may be suggested that the words of reference are not sufficiently clear to justify this assumption, and that what the legislature really intended to do by the act of 1892 was to legislate for the first time on the general subject of labels and trade-marks. To give effect to this supposed intention, we must drop the words "further supplement," and read the title thus: "An act to protect trade-marks and labels." To do this, however, would be to make a new title, not to take that already made by the legislature. I do not think it has ever been decided that the court may reject a part of the title for the purpose of saving the act. If it may, then a title which expresses a double object can easily be converted into one which expresses a single object; and, if the court may reject words, I do not see why it may not add them. But the very numerous decisions on this subject in our courts do not give the slightest intimation that the judicial branch of our Government possesses any such power. They do show very conclusively that it does not. The fact is that the court has no more power to reconstruct the title than it has to remodel the act itself. It must take both the title and the body of the act as it finds them, and consider them accordingly.

I have thus far considered the case as affected by the statutes on the subject which have been enacted up to the time the bill was filed. On April 16, 1897, the legislature passed an act "to amend and correct" the titles of the acts of 1892 and 1895, and "to declare the true intent and purpose of the titles hereby amended and corrected." This act provided that the title of the act of 1892 entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,'" should be amended so as to read "A supplement to an act entitled 'An act to provide for the adoption of labels, trade-marks, and forms of advertising by associations or unions of workingmen and to regulate the same.'" The title of the act of 1895 was amended in like manner. Assuming that the act of 1897, section 3 of which provides that it shall be retrospective in its operation, is a proper subject of consideration, it is manifest that it is open to the objection heretofore pointed out, viz, that, although a title might easily have been framed sufficiently broad to embrace the whole subject of trade-marks and labels, the title as actually framed only extends to labels and trade-marks adopted by associations or unions of workingmen. As the title does not go beyond these associations or unions, the body of the original act, or of any supplement thereto, can not go beyond them. As it can not, the restricted legislation in question, as already shown, is open to the objection of being a special law granting an exclusive privilege. The demurrer should be sustained.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—VICE PRINCIPALS—FELLOW-SERVANTS—*Hunter v. Kansas City and M. Railway and Bridge Co., 85 Federal Reporter, page 379.*—Action was brought in the United States circuit court for the western district of Tennessee by one Hunter against the above-named company, to recover damages for a personal injury incurred while in the employ of said company, and

due, as alleged, to the negligence of one Robert Snowden. Hunter was one of four men, three colored laborers and one white mechanic, Snowden, engaged in setting posts along the railroad track. They were all put on this work by one Green, "a boss" of the railroad. The posts were to be set a certain height and distance from the rails, and it was Snowden's especial duty, by the use of a level and straightedge, to ascertain and designate the proper places to put the posts, and having done this all four of the men would proceed to set up the posts in the places he had designated. The plaintiff, at the time of the accident, was down in a post hole, hugging a post and directing its descent, when suddenly the men above turned the post loose, and in rapidly descending it pulled him down and wrenched his back. He alleged that it was Snowden's negligence that caused this to be done. A judgment was rendered for the defendant upon the instruction of the judge of the circuit court, and the plaintiff carried the case on writ of error to the United States circuit court of appeals for the sixth circuit, which rendered its decision February 8, 1898, and affirmed the judgment of the lower court.

From the opinion of the court of appeals, which was delivered by Circuit Judge Lurton, the following is quoted:

The learned counsel for the plaintiff in error concede that at common law Hunter and Snowden were fellow-servants, but say that under the Arkansas statutes defining that relation he was a vice principal. The Arkansas statute is as follows:

"All persons engaged in the service of any railway corporations, foreign or domestic, doing business in this State, who are intrusted by such corporation with the authority of superintendence, control, or command of other persons in the employ or service of such corporation, or with the authority to direct any other employee, in the performance of any duty of such employee, are vice principals of such corporation, and are not fellow-servants with such employee.

"All persons who are engaged in the common service of such railway corporations, and who, while so engaged, are working together to a common purpose, of same grade, neither of such persons being intrusted by such corporations with any superintendence or control over their fellow-employees, are fellow-servants with each other; *Provided*, Nothing herein contained shall be so construed as to make employees of such corporation in the service of such corporation fellow-servants with other employees of such corporation engaged in any other department or service of such corporation. Employees who do not come within the provisions of this section shall not be considered fellow-servants." (Sand. & H. Dig., §§ 6248, 6249.)

Such statutes do not encroach upon Federal authority, and constitute the law of the State which Federal courts are bound to administer in suits arising within the State.

We have, under this evidence, the case of three men working together in the common purpose of setting a post in a hole prepared to receive it. That Snowden received larger pay than Hunter, or that in some respects his work was not the same as that done by his associates, does not determine that he was a vice principal. The determining question under this statute is whether he was intrusted by the corporation with

the authority of superintendence, control, or command of those with whom he was associated in the service of the company, or with authority to direct these other employees in the performance of their duty to the common master. When, as in this case, it is shown that several persons are associated together and working together to a common purpose in the same department, they are presumed, under the second section of the Arkansas statute, to be fellow-servants, and the burden is upon him who claims that a different relation existed to establish that one was a vice principal.

That Hunter should regard Snowden as a "boss," or that he assumed to have some sort of control over those associated with him, will not make him the representative of the corporation. The authority to control and direct others must be an authority "intrusted by such corporation" to him. His authority may, of course, be implied from the very nature of the duties imposed upon him; but he is not a vice principal merely because his higher character, greater intelligence, superior race, or natural habit of command caused him to assume an authority not intrusted to him by the common master, or to be regarded and treated with a respect due to his personal qualities, rather than to his delegated power of control by those associated with him.

Snowden testified that he was not a "boss," and was given no authority to command or control his associates. To him was intrusted the use of the level and the gauge, for the purpose of aiding in the proper alignment and adjustment of the posts which were being set by the cooperation of all. His directions to deepen a hole, or to move a post to the right or to the left, or to lower or to raise it, were more in the nature of signals which a switch tender or brakeman might give to a conductor or engineer to guide them in the movement of a train than of commands given in the exercise of the authority of a superior over an inferior.

The particular duty of Snowden was to use his level and gauge and announce the result. If the hole was too deep or too shallow, or the post not plumb, the fact was thereby ascertained, and it became his duty and that of his associates to do what was necessary to bring it into proper relation by deepening or filling or by other movement of the post, indicated by the level and gauge. There was no sufficient evidence to overcome the presumption that the relation of fellow-servant existed under the construction placed upon the second section of the Arkansas act by the supreme court of that State [Railway Co. *v.* Becker, 63 Ark., 477, 39 S. W., 358], and the jury were properly instructed, on this ground, to find for the defendant.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—VICE PRINCIPALS — FELLOW-SERVANTS — CONTRIBUTORY NEGLIGENCE — *St. Louis, Iron Mountain and Southern Railway Co. v. Rickman, 45 Southwestern Reporter, page 56.*—This case was heard in the circuit court of Woodruff County, Ark., having been brought by S. R. Rickman against the above-named railway company to recover damages for injuries received while in its employ. Judgment was rendered for Rickman, and the company appealed the case to the supreme court of the State, which rendered its decision March 19, 1898, and affirmed the judgment of the lower court.

All the facts in the case are stated in the opinion of the supreme court, which was delivered by Chief Justice Bunn, and from which the following is quoted:

Plaintiff was a section hand under the control of one McDougal as foreman. On the 28th of January, 1895, some time about or just after nightfall, it being a cold, snowy, and dark night, McDougal with plaintiff and three other section hands and a citizen, after quitting work for the day, left Russell station on a hand car to go to their station house at Bald Knob, a short distance south of Russell, on the railroad. While at Russell they could see the headlight of an engine at Bald Knob, and a train was due to pass up about that time. It was suggested by one of the hands that they had better wait until the coming train should pass, but the foreman said, "No; that the engine whose light was then in view was standing at Bald Knob on a side track." And so, boarding the hand car, they started for Bald Knob. It pretty soon became evident that the train from Bald Knob was approaching, and another of the hands suggested that they had better stop and take off the hand car at the next crossing, which they were about then to arrive at. The foreman said, "No, we will go to the next crossing and then get off." But, before they reached the next crossing, the coming train had approached so near that the foreman ordered them to slow up and get off and take the hand car off, or words to that effect. This was all done hurriedly. The foreman stood a little way from the hand car, directing the hands to take it off quick. One of them fell, and plaintiff took his place in the effort to lift the car off. At this juncture the approaching engine struck the hand car, knocking it off, and broke the leg of plaintiff, who did not let go of the car in time to save himself as the others did.

Under recent statutes (Sand. & H. Dig., §§ 6248, 6249), a foreman of a section gang is not a fellow-servant of the men belonging to the gang under him, for the reason that they are under his control and direction in the performance of their duties. There is no doubt in this case but that the foreman, in operating the hand car and controlling its movements, was acting in a very imprudent and hazardous manner, and was guilty, therefore, of negligence. The plea that the plaintiff was guilty of contributory negligence—all the defense left—is not established by the evidence. What the defendant [plaintiff?] did was manifestly done in obedience to the order of the foreman to get the car off quick. Plaintiff had a right to presume that the foreman, who was in a situation to devote his whole attention to the approaching train and the efforts of his men to get the hand car off the track, could better determine than he what was best to be done under the circumstances. We do not think the danger was so apparently imminent but that he could reasonably rely upon the direction of the foreman. He did so, and was injured. He should not be charged with contributory negligence under the circumstances. The negligence of the foreman, acting for the company, did not consist so much in what he did at the place of the accident as in running the hand car into a situation in which nice chances must necessarily have to be taken in order to extricate himself and others from peril, and by which the injury occurred. The judgment is affirmed.

DECISIONS UNDER COMMON LAW.

BREACH OF CONTRACT OF EMPLOYMENT—DISCHARGE OF EMPLOYEE—MEASURE OF DAMAGES—*Winkler v. Racine Wagon and Carriage Co., 74 Northwestern Reporter, page 793.*—This action was brought by Joseph Winkler against the Racine Wagon and Carriage Co. to recover damages for breach of a contract of employment. At a hearing in the circuit court of Racine County, Wis., upon a demurrer to the plaintiff's complaint filed by the defendant company, said demurrer was sustained by the court and the plaintiff appealed the case to the supreme court of the State, which, on April 12, 1898, rendered its decision and reversed the decision of the lower court.

The opinion of the supreme court was delivered by Judge Pinney, and the following, laying down certain principles of law and sufficiently showing the facts in the case, is quoted therefrom:

The defendant's contention is that if, as is alleged in the complaint, the plaintiff was wrongfully discharged by the defendant before the expiration of the stipulated period of his service, he can not sue for and recover the unpaid portion of the stipulated wages, except for past services rendered and for such sums of money as had already become due; that, as far as any other claim on the contract is concerned, he should have sued for the injury he had sustained by his wrongful discharge and breach of the contract in not being allowed to serve the stipulated period and earn the wages agreed on, relying on the rule laid down in Howard *v.* Daly, 61 N. Y., 362, and Weed *v.* Burt, 78 N. Y., 191. The general rule is that when a contract is entire, as in the present case, it is necessary for a party to show full performance on his part before he can maintain an action upon it. The authorities recognize certain exceptions to the rule, as where performance has been rendered impossible by the act of God, by the act of the law, or by the act of the other party. The defendant having wrongfully discharged the plaintiff, and refused to receive his services or permit him to complete his contract of service, the plaintiff had the right to treat it as broken, and to sue on it, and recover according to its terms to the date of such termination, and the measure of his damages prima facie would be the contract price of the work; but the defendant might mitigate the damages by showing that the party might have obtained other employment elsewhere. The burden of showing this is on the defendant. In Danley *v.* Williams, 16 Wis., 581, it was held that where one contracts to work for another, either for a specified time or until he finished a building or other work, if he is prevented by the fault of the hirer he is certainly damaged to the extent of the sum he would have received for his services unless he could obtain other employment in the meantime. "In the absence, therefore, of any evidence that the party might have obtained any other employment, the law can adopt no other rule of damages than the contract price, unless there is some legal presumption that such other employment might be obtained." (Barker *v.* Insurance Co., 24 Wis., 630.)

The complaint counts, in substance, upon a breach by defendant of the contract between the parties, in that it, without justification or excuse, dismissed the plaintiff from its employment, notwithstanding he was ready and willing to continue in its employment, and fully perform the contract on his part, and compelled him to seek employment

elsewhere. It seems to be the settled law of this State that, where a party is thus wrongfully discharged by the employer before the expiration of the contract period, he may wait until such period arrives, and then recover against the employer the wages he would have earned but for such wrongful discharge, less what he could have earned by employment elsewhere, which will be in reduction of damages.

EMPLOYERS' LIABILITY—DEFECTIVE APPLIANCES—*Campbell v. New Jersey Dry Dock and Transportation Co., 39 Atlantic Reporter, page 658.*—Action was brought in the supreme court of New Jersey by James Campbell against the above-named company to recover damages for injuries received in its employ. A verdict was rendered for the plaintiff and the trial judge granted a rule to show cause why the verdict should not be set aside and a new trial ordered. Upon hearing, the rule was made absolute and a new trial ordered in a decision rendered February 28, 1898.

The plaintiff was a ship carpenter, and while with others at work in letting a tank down into the hold of a vessel one of the hooks on the tackle which was being used in lowering the tank broke, letting the tank down on his hand and crushing it. The testimony showed that the defendant's tackle and hooks were kept in a shanty in the yard of the company; that the boss rigger in charge of the work ordered two of the men under him to get the tackle and hooks to be used in lowering the tank; that one of them went to the shanty and got tackle and hooks from there, but that the other, instead of following his example, picked up a tackle and hooks which he found on the deck of the vessel and which belonged to the vessel and not to the company; and that it was a hook on this tackle so picked up that broke and let the tank down on the plaintiff's hand.

The decision of the supreme court was delivered by Judge Gummere, and the syllabus of the same, which was prepared by the court, shows the reason for the decision made and reads as follows:

A master who furnishes to his servant safe and suitable appliances with which to do the work upon which he is engaged is not responsible for injuries received by the servant by reason of defects in appliances substituted by a fellow-servant for those furnished by the master.

EMPLOYERS' LIABILITY—FURNISHING SAFE TOOLS—ASSUMPTION OF RISKS BY EMPLOYEE, ETC.—*Lehigh Valley Coal Co. v. Warrek, 84 Federal Reporter, page 866.*—Action was brought in the United States circuit court for the eastern district of New York by one Warrek against the above-named coal company to recover damages for personal injuries sustained by him while in the employ of said company at its coal mines near Wilkesbarre, Pa. Judgment was rendered in favor of Warrek and the company carried the case on a writ of error to the

United States circuit court of appeals for the second circuit, which rendered its decision January 25, 1898, and affirmed the judgment of the lower court.

Warrek was assigned to check the speed of certain cars, loaded with coal, running upon a track leading from the company's mines to a coal dump. In so doing he was accustomed to use blocks or wedge-shaped pieces of wood which were put on the rails in front of the wheels. He testified that when he wanted new blocks he would notify McKaa, the foreman, and he would have them brought; that the carpenter always brought them; that he ordinarily got new blocks every two or three weeks; that he got the last blocks about four weeks before the accident; that on Friday before the accident (which happened Monday morning) he notified McKaa that he wanted new blocks; that on Saturday, when Mr. Shoemaker, the outside superintendent, told him to hurry up, he replied, "I can't, Mr. Shoemaker, I got old blocks, a little cracked and a little chipped off;" that both McKaa and Shoemaker promised him new blocks; that on Monday morning he had blocked 5 cars before he was hurt; that when the sixth car was uncoupled by his companion 50 or 60 feet up the grade, and came toward him, he took a block from the pile and put it on the rail under the wheel, and that the block split in two pieces, and the wheel came over his hand and injured it.

The opinion of the circuit court of appeals was delivered by Circuit Judge Lacombe, and in the course of the same he used the following language:

The theory of the plaintiff [Warrek] was that defendant [Lehigh Valley Coal Company] was negligent, because it furnished defective appliances to the plaintiff with which to do his work. Upon this review all contested questions of fact must be resolved in favor of plaintiff, since the jury found for him. In view of the evidence that, whenever plaintiff needed new blocks, he applied for them to the foreman, whereupon the carpenter brought them; that, so far as plaintiff was informed, there was no stock of new ones from which he could supply himself; that plaintiff, three days before the accident, and again two days before the accident, called the attention both of the foreman and of the outside superintendent to the condition of the blocks, and asked for sound ones, and that to his request both replied "All right," and the foreman expressly promised to "give him new blocks right away," this case is to be distinguished from those cited on the brief, where the plaintiff had a stock of new appliances at hand from which to help himself. Conceding that there was no duty of regular inspection of the tools in use imposed upon the foreman and superintendent, the defendant trusting to the daily inspection of the men who used the tools for information as to their condition of repair; nevertheless, when such information was given to them, they (the foreman and superintendent), not the plaintiff, were the proper agents to fulfill the master's duty in furnishing reasonably safe tools. Touching the furnishing of such tools, they were not fellow-servants with defendant, but were the master's alter ego [viz, vice principals]. So, too, when the servant has called attention to the condition of his tools, and been promised that safer ones will be fur-

nished promptly, he is not, as matter of law, to be held negligent for continuing to use the old ones. "When a master has expressly promised to repair a defect, the servant can recover for an injury caused thereby within such a period of time after the promise as it would be reasonable to allow for its performance, and, as we think, for an injury suffered within any period that would not preclude all reasonable expectation that the promise might be kept." (Hough *v.* Railway Co., 100 U. S., 225.) The judgment is affirmed.

EMPLOYERS' LIABILITY—INCOMPETENT SERVANTS—ASSUMPTION OF RISK—*Chandler v. Atlantic Coast Electric Railway Co., 39 Atlantic Reporter, page 674.*—This action was brought in the supreme court of New Jersey by Nettie E. Chandler, administratrix of the estate of Augustus E. Chandler, deceased, against the above named company to recover damages for the death of her intestate. The declaration alleged that the decedent, an employee of the defendant company, while at work on its track, without any negligence or want of care on his part, was run down and killed by one of the company's cars; that the company's negligence, by which decedent's death was alleged to have been caused, consisted in the failure of the company to provide suitable fenders or guards for its cars, and in knowingly employing an unskillful and incompetent motorman to operate the car which ran down the decedent. The defendant demurred to the declaration as not showing a cause of action, and after a hearing on said demurrer the supreme court rendered its decision February 28, 1898, and overruled the demurrer.

The opinion of the court was delivered by Judge Gummere, and the syllabus of the same, which was prepared by the court, is given below:

1. A servant who chooses to enter into an employment involving danger of personal injury which the master might have avoided takes upon himself the risks of all the hazards incident to the employment, the existence of which are known to him, or which are plain and obvious, and which he has no reason to expect will be counteracted or removed; and no action will lie against a master for injuries to the servant resulting from such damages.

2. A master owes to his servants the duty of using reasonable care and prudence in the selection of their fellow-servants; and, if he knowingly employs or retains in his service an unskillful or incompetent workman, he is responsible for injuries received by an employee through the unskillfulness or incompetency of such workman.

EMPLOYERS' LIABILITY — NEGLIGENCE — FELLOW-SERVANTS — ASSUMPTION OF RISK — *Stucke v. Orleans Railroad Co., 23 Southern Reporter, page 342.*—This action was brought by Frederick W. Stucke against the company above named, a street railroad company operating in the city of New Orleans, in the civil district court of the parish of

Orleans, La., to recover damages for personal injuries received by him while in the employ of said company. The evidence in the case showed that one Willoz, the foreman of the defendant company, having in charge the repairs of its rolling stock, etc., had directed the plaintiff to go into the pit and make some repairs on a car; that one Lasker was directed to accompany him; that with that end in view Lasker was sent to the plaintiff's house to summon him to come to the car house, and one John Villa was ordered to see that the plaintiff and Lasker did the work according to directions; that they went to work in the pit, and that on the morning of May 18, 1896, car No. 16 was moved from the shed to the pit track and carried to the pit, and while there the plaintiff painted it, top and bottom; that when this work had been completed said car was taken away and car No. 17 took its place upon the pit track for the purpose of undergoing some repairs; that the plaintiff was at once set to work making repairs upon one of the brakes, when, immediately, car No. 8 came into the shed and, passing through an open switch which had been carelessly and negligently left open by John Villa, entered upon the pit track and came into collision with car No. 17, causing it to run over the plaintiff's leg and to crush it so badly that it had to be amputated; that plaintiff was wholly unaware of the danger he was in while at work in the pit; that he had been put to work there by the orders of the defendant's foreman, in an emergency and upon the spur of the moment; that he had never worked in the pit previously, and that he had not been advised by any officer or employee of the company of the risks and dangers of the situation and employment.

Judgment was rendered for the plaintiff and the defendant company appealed the case to the supreme court of the State, which rendered its decision January 24, 1898, and sustained the judgment of the lower court.

The opinion of the supreme court was delivered by Judge Watkins, and the syllabus of the same was prepared by the court and reads as follows:

1. An invitation from the master or proprietor to come upon dangerous premises, without apprising him of the danger, is just as culpable, and an inquiry resulting from it is just as deserving of compensation in the case of a servant, as in any other.

2. A man can not be understood as contracting to take upon himself risks which he neither knows, nor suspects, nor has reason to look for; and it would be more reasonable to imply a contract on the part of the master not to invite the servant into unknown dangers than one on the part of the servant to run the risk of them.

3. Whether invited upon the premises by the contract of service or by the calls of business or by direct request is immaterial; the party extending the invitation owes a duty to the party accepting it to see that, at least, ordinary care and prudence are exercised to protect him against dangers not within his knowledge and not open to observation.

4. The servant assumes the risks of such hazards as are apparently incidental to an employment intelligently undertaken, and those only.

5. A superior is presumed to know whatever may endanger the person or life of an employee in the discharge of the duties of his employment, and is bound to specially warn him of the nature of the danger, unless said employee well knew of the existence and extent of the hazard or risk and willingly exposed himself to it.

6. If the negligence of the master caused or contributed to the injury of his servant, the former is liable to the latter, notwithstanding the negligence of a fellow-servant likewise contributed thereto.

7. When an injury is caused partly by the negligence of a fellow-servant, and partly by the failure of the master to provide the servant a reasonably safe place at which to work, the negligence of the fellow-servant will not exonerate the master.

8. When the service to be rendered requires for its performance the employment of several persons, there is necessarily incident to the service of each the risk that the others may fail in the exercise of the caution that is essential to their mutual safety.

9. Consequently there is implied in the contract of service in such case that each servant takes upon himself the risks arising from the negligence of the other while in the common employment, always provided that the master is not negligent in the selection or retention of the fellow-servant of either, or in providing him a reasonably safe and suitable place at which to work, and reasonably suitable tools and materials with which to work.

10. It is necessary, in order to constitute a fellow-service within this rule of jurisprudence, that the servants should be fellow-laborers in the same work or the same department of a common employment.

EMPLOYERS' LIABILITY—NEGLIGENCE OF EMPLOYER—ASSUMPTION OF RISK—*Rhoades v. Varney et al., 39 Atlantic Reporter, page 552.*—This action was brought in the supreme judicial court of Maine by John A. Rhoades against Isaac Varney and others, to recover damages for injuries received while in the defendants' employ. A verdict was rendered for the plaintiff, Rhoades, and the defendants entered a motion for a new trial. The court rendered its decision January 5, 1898, and overruled the motion. The facts in the case are as follows: The plaintiff was employed to attend the "tail stock" in defendants' sawmill, and while so doing his leg was broken by being caught between a projecting point or head-block of the retreating log carriage and the frame supports of wooden rollers set in the floor, and designed to facilitate handling the lumber as it came from the carriage. One of the defendants was the sawyer, stationed near the saw, whose duty it was to operate the carriage; and the negligence which the plaintiff alleged consisted in his "carelessly, negligently, and without notice, starting the machinery operating said carriage" while the plaintiff was in the act of removing the log from the carriage.

The opinion of the supreme judicial court was delivered by Judge Foster, and the syllabus of the same, which was prepared by the court, reads as follows:

1. Although between joint employers, one of them takes upon him-

self the function of a workman, the relation of master and servant [between him while so acting and an employee working with him] nevertheless continues to subsist.

2. When a defendant standing in the relation of master knows, or by the exercise of ordinary care ought to know, that the plaintiff is in a place of danger, it is the duty of such defendant, therefore, to exercise ordinary care on his part, so as not to expose the plaintiff to perils that might by the exercise of such care have been avoided.

3. The servant, though employed in a place of more or less danger, has a right to expect the exercise of due care on the part of his employer.

4. The servant, in assuming the ordinary risks of an employment, does not assume a risk which is the consequence of the employer's negligence.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ASSUMPTION OF RISKS BY EMPLOYEE—RULES FOR RUNNING TRAINS—*Little Rock and Memphis Railroad Co. v. Barry, 84 Federal Reporter, page 944.*—This action was brought in the United States circuit court for the eastern district of Arkansas by G. F. Barry against the above-named railroad company to recover damages for personal injuries sustained while in the employ of said company. Judgment was rendered for the plaintiff, and the defendant company brought the case on writ of error before the United States circuit court of appeals for the eighth circuit. Said court rendered its decision January 31, 1898, and reversed the judgment of the lower court.

The opinion of the court was delivered by Circuit Judge Sanborn, and the following, quoted therefrom, shows the important facts in the case and the reasons for the decision:

About 2 o'clock in the afternoon on October 26, 1890, engine No. 5 of the Little Rock and Memphis Railroad Company ran into the rear of a freight train on the railroad of that company, and G. F. Barry, the defendant in error, who was the fireman on this engine, leaped from it and was injured. He sued the company for damages, and alleged that he was injured by its negligence in employing an incompetent conductor upon the train his engine drew, and in failing to give notice to its servants in charge of engine No. 5 of the whereabouts and movements of the freight train, and in failing to give notice to its servants in charge of the freight train of the whereabouts and movements of engine No. 5. The plaintiff in error, the railroad company, answered that its conductor was not incompetent, and that it was not its duty to give the conductor and engineer of either of the trains which collided notice of the movements or whereabouts of the other. Upon these two issues the testimony was conflicting, and the jury found for the defendant in error. These facts, however, were uncontradicted: The freight train was a regular train. It had left Hopefield at 3.50 a. m.; was due at Edmondson at 5 a. m., but had been so delayed that it did not leave that station until 9.40 a. m., 4 hours and 40 minutes later than its schedule time; and while it was standing on the main track, on a curve in a deep cut outside the yard limits, about half a mile east of Forrest City, at about 2 'clock in the afternoon, engine No. 5 crashed into the

rear of it. The engineer in charge of this engine had passed this freight train at Edmondson at 9.30 that morning on his way east to Hopefield, and he knew it was late. When the superintendent of the company delivered the order, under which the train drawn by engine No. 5 was operated on this day, to its conductor, he told him to look out for this freight train, as it was still in the bottom between Edmondson and Forrest City, and the conductor repeated this warning to the engineer when he communicated the order to him before leaving Hopefield. In the early part of this day a military company, which arrived at Memphis too late for the regular passenger train, engaged of this railroad company an extra train to take it to Little Rock, and the engineer and fireman of engine No. 5 were directed to draw this train with their engine. The freight train was, as we have said, a regular train, and it was known as "No. 5."

The rules of the company made this extra train inferior in grade to the regular freight train, and imposed upon its conductor and engineer the duty to keep out of the way of that freight train, which they knew was somewhere upon the single track in front of them. These rules also required the crew of the freight train, when it stopped and stood, as it did, for three-quarters of an hour before the accident occurred, on the curve, in a deep cut, one-half mile east of Forrest City, to immediately station and maintain a flagman 10 or 12 telegraph poles in the rear of its train, and to place torpedoes on the track, not less than 15 telegraph poles behind it, for the purpose of warning and stopping approaching trains which might follow it. These rules gave the employees of the company notice that it proposed to use its railroad for the passage of trains at any time it chose, and that they must protect themselves against their approach. The engineer of the extra train, however, did not keep his engine under control, so that he could stop it when he saw the freight train, but he drove it on with such speed that it was impossible for him to prevent the collision after he came in sight of the regular train; and the crew of the freight train failed to give warning to the approaching extra of the presence of their train either by torpedo or by flagman. In short, these fellow-servants of the defendant in error were guilty of gross negligence, without which it is highly improbable, if not impossible, that the accident could have occurred.

One of the rules of the company, however, required all orders to be given in writing, where practicable; and counsel for the defendant in error insisted that the company was negligent because it did not insert in the written order to the men in control of the extra train a statement that the freight train was delayed east of Forrest City, and an admonition to beware of it, and because the train dispatcher did not stop the extra train at Edmondson, as it passed there, and notify its crew again that the freight had not reached Forrest City. In support of their view, three witnesses for the defendant in error, who had had experience in railroading, testified that in their opinion this course should have been pursued. On the other hand, it appeared by the evidence that this railroad was operated under the standard rules, which were prepared some years ago by experienced railroad men chosen for the purpose by the officers of various railroad companies, and that they had been subsequently so generally adopted, as the best in use, that, in 1888, 58,000 (and at the time of the trial many more) miles of railroad were governed and operated under them. Three witnesses of skill and experience in the operation of railroads, who were familiar with these rules and the practice of railroads under them, testified, in effect, that in their judgment, and in the judgment of those who had

prepared and adopted them, they were the best and the most conducive to safety of any rules in use in this country; that it is more conducive to the safety of the operation of railroads to require the men in charge of a train to look out for and protect themselves at all times against other trains and engines, without notice of their whereabouts and movements, than it is to undertake to give them notice of these movements and whereabouts; and this for the reason that if men receive and come to expect notice of approaching trains, they will invariably relax their vigilance, and rely upon the notice, rather than upon their watchfulness, for their safety, and that in the long run they will be caught in danger more frequently, and more accidents will happen at times when it is impossible or impracticable to convey notice to them, than would occur if they were spurred to constant watchfulness by the knowledge that a train was liable to come upon them at any time without notice. It does not seem unreasonable to suppose that men who are warned that other trains will pass over the railroad on which they are operating without notice to them, and that they must watch for and protect themselves against them at all times, would operate their trains with more care and fewer accidents than they would if an attempt were made to notify them of the whereabouts and movements of all trains, in view of the fact that the expectation of such notice might relax their vigilance, and that they would often be in locations where it would be impossible to give them the notices. If experience has proved this supposition to be in accordance with the fact, and has led to the adoption of rules which do not require, but discountenance, such notices, because the habit of giving them has been found to increase the number and danger of accidents, as the adoption of these standard rules by so many railroad companies and the testimony of the experienced witnesses who are operating railroads under them tend to show, it can not be said that it was the duty of the defendant to give these notices, nor that its failure to give them was negligence.

The fact is not forgotten that the defendant in error produced three witnesses who testified that such notices should have been given. But in our opinion their testimony is insufficient, in face of the evidence of three witnesses of equal credibility who testified to the contrary, to so clearly establish the vice of the theory, and the unreasonableness of the rules and practice which companies operating more than 58,000 miles of railroad have adopted as the best and most conducive to safety, as to warrant a court in so declaring as a matter of law. Unless the rules they adopt are clearly shown to be palpably unreasonable or clearly insufficient, railroad companies ought not to be charged with negligence on account of their adoption and use. In our opinion, there was no such proof in this case. The defendant in error and the other servants of the company were familiar with these rules and the theory upon which they were based. By taking service under them without objection or protest, they assumed the risks and dangers of the theory that every employee who operates trains must beware of other trains moving in the same direction, without notice of their whereabouts, and the risks and dangers of the system of rules which was based upon this theory.

The railroad company had the right to presume that its servants on these trains would obey its rules and discharge these duties, and it had the right to act upon that assumption. It was its right to calculate the natural and probable result of its acts and omissions upon this supposition. Indeed, it could reckon upon no other, for it is alike imprac-

ticable and impossible to predicate and administer the rights and remedies of men on the theory that their associates and servants will either disregard their duties or violate the laws. Now, no one who reckoned on the faithful discharge of their duties by these employees could reasonably have anticipated this fatal collision as either a natural or probable consequence of the failure to give these notices. Nor could it have been the result of such failure, had not the unforeseen negligence of the engineer of the extra train, and the gross and unexpected carelessness of the crew of the freight train, intervened to interrupt the natural sequence of events, to turn aside their course, and to prevent the safe operation of these trains, which was the natural and probable result of the rules and the orders which the defendant gave. It was the gross negligence of these servants, which no one could anticipate, that constituted the intervening and proximate cause, without which this collision could never have been; and it is to this, and not to the failure to give the notices, in our opinion, that this accident must be attributed, under the maxim, "Causa proxima non remota spectatur." The judgment below must be reversed and the cause remanded to the court below, with directions to grant a new trial; and it is so ordered.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—DEFECTIVE APPLIANCES—VICE PRINCIPAL—*Chicago, Burlington and Quincy Railroad Co. v. Kellogg, 74 Northwestern Reporter, page 454.*—This action was brought by George Kellogg against the above-named railroad company to recover damages for personal injuries received while an employee of said company. A judgment was rendered for Kellogg in the district court of Phelps County, Nebr., and the railroad company carried the case on writ of error to the supreme court of the State, which rendered its decision March 3, 1898, and affirmed the judgment of the lower court.

The opinion of said court was delivered by Chief Justice Ragan, and the facts in the case and the important reasons for the decision are shown in the following quotation therefrom:

The first argument is that the petition does not state a cause of action. Kellogg in his petition in substance alleges that on the 7th of August, 1892, he was a station agent of the railway company at Bertrand, Nebr.; that it was his duty as such agent to set the brakes on cars left by passing trains on the side tracks at that station, to prevent the wind blowing the cars off the side track onto the main line; that about 10 o'clock in the evening of said date he went upon a car standing on a side track at his station for the purpose of setting a brake thereon, and that as he turned the brake a wire, which connected the brake chain with the brake rod, broke, precipitating him from the car on the bumpers thereof, and injuring him; that he had no knowledge of the defective condition of the brake; that the company had negligently permitted this brake to become and remain out of repair, in this, that the chain which connects the brake with the brake rod should be fastened to the latter by a half-inch iron bolt; that this had been lost out, and someone had connected the rod and chain with a wire which was wholly unfit for that purpose. It is now insisted

that this petition does not state a cause of action, because it does not allege that the company knew that the brake was out of repair, had been improperly repaired with a wire, or that it had been in that condition for such a length of time that the company should be charged with notice of its defective condition. We think this argument untenable. It is the duty of a master, at all times, to furnish his servants with tools and appliances reasonably safe and fit for the purposes for which they are designed; and if a servant, where the defect of an appliance is not obvious, and where he has no knowledge of such defect, and is not charged with the duty of knowing such defect without negligence on his own part, is injured while attempting to use in the service of the master a tool or appliance designed for the work in hand, the master is liable for such injury. Since it was not the duty of the station agent to inspect this brake, nor to repair it if he found it defective, and since he did not know that the brake was out of order, he had the right to presume that it was in proper condition and reasonably fit for the purposes for which it was intended; and the general allegation that the railroad company had been guilty of negligence in permitting the brake to become and remain out of repair, coupled with the other allegations of the petition as to the plaintiff's duty, and his want of knowledge of the defective condition of the brake, rendered the petition invulnerable to demurrer.

A second argument is that the judgment can not stand because Kellogg's injury resulted from the negligence of a fellow-servant. It is true that, in the absence of statute, the general rule is that a master is not liable to one servant for an injury which he has sustained through the negligence of a fellow-servant. In this case the evidence shows that the railroad company has in its employ, at various stations along its road, car repairers or inspectors whose duty it is to inspect the cars of the company, the wheels and brakes, and other appliances thereof, and if a brake is found out of order, to repair it. The evidence does not disclose that it was the duty of the station agent (Kellogg) to inspect the cars that came to his station, nor, should he discover that a car or an appliance thereof was out of order, that it was his duty to repair it. In the case at bar, if we are to consider that the verdict of the jury includes a finding that Kellogg, the station agent, was not a fellow-servant of his coemployee, the car repairer or inspector, the evidence in the record justifies that finding; and if, from the admitted facts, it is for us to say, as a matter of law, whether the station agent and the car repairer or inspector were fellow-servants, then we answer that they were not.

The master's liability in a case like the one at bar does not rest upon an exception to the general rule that a master is not liable to one servant for an injury caused to the latter by the negligence of a fellow-servant. It rests upon the principle that it is the duty of a master to furnish the servant tools and appliances reasonably fit and safe for the performance of the duties required of the servant; and if the master delegates to a servant the selection, inspection, and furnishing of these tools and appliances, such a servant then stands in the place of the master, and such servant's neglect in the premises is the master's neglect. Or, applying the rule to the case at bar, the common master delegated to the car inspector the duty of inspecting and repairing these brakes. That car inspector then, in that matter, stood in the place of the railway company itself, and the car inspector's relation to the station agent was not that of fellow-servant, but of vice principal. Judgment affirmed.

GARNISHMENT—PROPERTY SUBJECT TO—PAYMENTS BY GARNISHEE—*Hall v. Armour Packing Co., 29 Southeastern Reporter, page 139.*—This was a garnishment proceeding brought in the superior court of Bibb County, Ga., by C. H. Hall against the above-named company. Judgment was rendered for the company, and the plaintiff, Hall, carried the case on writ of error to the supreme court of the State, which rendered its decision July 28, 1897, and affirmed the judgment of the lower court.

Neither the facts in the case nor the opinion of the supreme court are given, but the syllabus of the opinion was prepared by the court, and the following is quoted therefrom:

A garnishment served upon an employer is not effectual to reach the salary of an employee if the former was not indebted to the latter at the time the garnishment was served, and did not become indebted to him previous to the time of making answer; and this is true although the employer, even after service, paid the employee his salary in advance, for the purpose of preventing the same from being reached by the garnishment.

UNION LABOR ONLY TO BE EMPLOYED ON PUBLIC WORKS—RIGHT OF CITY AUTHORITIES TO MAKE SUCH PROVISION IN CONTRACTS—*Building Trades Council v. Board of Education of City of Chicago, Vol. XXX, No. 30, Chicago Legal News, page 249.*—This case was submitted in the circuit court of Cook County, Ill., under an act approved June 17, 1887, page 158, acts of 1887 (sec. 100 of chap. 110, Revised Statutes of 1891), providing for the oral submission of certain controversies to the court without formal pleadings. The decision was rendered March 12, 1898, and the submission dismissed on the ground that there was no such legal controversy in the case as was contemplated by said act.

The opinion was delivered by Judge Tuley, and reads in part as follows:

The questions submitted are: Whether the board of education of the city of Chicago has "the right to insert in all contracts and specifications connected therewith the provision that none but union labor shall be employed in any part of the work where said work is classified under any 'existing union;'" and second, Whether said board of education has the right to enforce a rule whereby "none but union workmen shall be employed and placed upon the pay roll of the board."

There would be no question raised if the contracts or pay rolls in question were those of a private individual as to his right to provide for the employment of union labor only. A private individual has the undoubted right to put any such provision in any contract that he may make, or he may put in a provision that no union labor shall be employed in carrying on the contract. He may insert either provision that he wishes, at a loss to himself, or from mere sentiment or caprice. The law recognizes the right of an individual to do what he will with his own in that regard. There can be no doubt but that under certain

circumstances the board of education might insert in its contracts a provision for the employment of none but union labor, or provision that no union labor should be employed; but, being public officials, charged with the duties of a public trust, the members of the board could not act, knowingly, at a loss to the public funds, or from mere sentiment or caprice, or from any motive other than to subserve the public interests and to faithfully discharge the public trust confided to them.

If the board should find that the skilled labor of the country was practically organized into "unions," whose members refused to work with nonunionists; that unless a clause requiring all work to be done by "union" labor be inserted there will probably be "strikes" upon the work, causing delay, loss, and trouble incident to strikes; and if it should find that by reason of the situation confronting the board it would be wise and prudent to insert such provision; or, in other words, if the board should, in the discharge of their public trust, be honestly of the opinion after due investigation that the public interests, both as to economy in the construction of the work and the character of the work done, would be best subserved by the insertion of the union labor clause in the contracts, it would clearly have the right, and it would be its duty to insert such a provision.

There can, in my opinion, be no doubt of the legality of the union-labor clause, nor as to the rule as to placing none but unionists upon the pay roll if the board should be of the opinion that the public interests would be best promoted thereby. The propriety of so doing, or the justification of so doing, is a question solely for the board to decide. They must decide as to the proper performance of their duties and the proper discharge of the trust imposed upon them.

It is urged, however, that the board of education being a public agency, and the work in question being work which is for the benefit of the public, that it is against public policy that the board of education should discriminate as between "union" and "nonunion" labor. Be that as it may, it is not for the board of education to decide itself, or to be guided by what it believes to be the best public policy. It is for the State legislature to determine questions of public policy. The board of education has no legislative duties to perform in connection with the carrying on of its public works, and in the absence of limitations or restrictions imposed by the State legislature, it must perform its duties and discharge its trust with a view solely to the best interests of the public, having regard to economy in the construction of the work contracted for and the quality of work to be done.

In my opinion, however, there is no such legal "controversy" between the parties to this submission (the board of education and the Building Trades' Council) such as is contemplated by the act under which this submission is made. Certainly no mandamus would lie against the board of education to make it insert in its contract a "union-labor" or a "nonunion-labor" clause, and there is no agreement between the board and the Building Trades' Council which the latter could file a bill to enforce the specific performance of. In other words, there is no controversy between these parties within the purview of the act in question.

The submission made to the court will therefore be dismissed for that reason.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

GEORGIA.

ACTS OF 1897.

Act No. 340.—*Convict labor.*

(Page 71.)

Section 6. The [prison] commission shall have complete management and control of the State convicts, shall regulate the hours of their labor: * * * *Provided further*, That any person or corporation, having hired any convicts under the provisions of this act, and failing or refusing to comply with the regulations of the commission, shall forfeit all rights under any contract of hiring, and in their discretion said commission shall have power and authority to take from said hirer the convicts so hired, and rehire the same under the provisions of this act. * * *

Sec. 8. * * * The commission shall have erected on said land so purchased [purchased for a prison farm] suitable buildings, stockades, and appurtenances for the safe-keeping and care of the following classes of convicts: Females, boys under 15 years of age, and such aged, infirm or diseased convicts as, in the judgment of the commission, should not be hired out: *Provided*, That the commission shall have power and authority, in its discretion, to take from any hirer any convict whom they have hired out and to place such convict upon the farm herein provided for, relieving such hirer of that part of the hire of such convict for the time during which such hirer is thus deprived of the services of such convict: *Provided further*, That said commission shall likewise have power and authority, in its discretion, to take from said farm any boy upon his reaching the age of 15, or thereafter, and hiring him out as other convicts are to be hired under the provisions of this act. * * * The commission shall sell, to the best advantage, all surplus products of the penitentiary, and shall apply the proceeds thereof to the maintenance of the institution as far as necessary. Should any surplus funds arise from this source they shall be paid into the State treasury annually, and the commission shall, at the end of each quarter, make to the governor a detailed report of all such transactions: *Provided*, The commission shall have authority to furnish such surplus products, or any part thereof, to the State Asylum for the Insane at Milledgeville, the Academy for the Blind at Macon, and to the School for the Deaf at Cave Spring, should this be found practicable.

Sec. 9. If by reason of the forfeiture of any lease contract now in existence any portion of the convicts should be retaken by the State from the present lessees before the lease contract expires, the commission may, in their discretion, place said convicts so retaken upon said land, making suitable arrangements for their care and maintenance, and utilize their labor in erecting the buildings, stockades, and appurtenances heretofore provided for, or such other labor as the commission deem profitable; or if equitable arrangements can be made with any of said lessees whereby the State may resume control of such portion of the convicts as may be needed for this purpose, the commission is authorized to make such arrangements and use said convicts in the manner and for the purpose specified, but no such arrangement shall be made unless it will be cheaper to the State than free labor.

Sec. 10. Should the authorities of any county or any municipal corporation in this State desire to utilize any number of State or felony convicts on the public roads or works in their respective counties or municipal corporations, said authorities may file with said commission a requisition stating the number wanted, the kind of work to be done, and the term for which they will be wanted, which requisition must be filed with said board by the 10th day of August, 1898, and said commission is hereby authorized to furnish said county authorities the number so required. After the year 1898 the said requisitions shall be filed by the commission in the order in which same are received, and the convicts furnished thereon as the commission

may be able, respect being had to the amount offered. The convicts furnished under this section shall be short-term (not over two years) men, and physically able to do the work required of them. In no event shall any county be furnished with felony convicts whose authorities fail to work its own misdemeanor convicts on the public roads or public works. Should such requisition be made, and the convicts furnished, the county or municipal authorities shall provide, without cost to the State, all transportation, maintenance, guards, and other necessaries, and shall pay to the State not less than $36 per annum for each convict, to be collected and applied as the hire of convicts as hereinafter provided. The said convicts shall be governed and controlled by the rules and regulations provided by the commission.

SEC. 11. At the same time that advertisements are published for the purchase of land, as provided by section 8 of this act, said commission shall run a similar advertisement offering for hire, for terms not longer than 5 years, all the convicts not embraced in section 8 of this act, and not furnished the county authorities, as provided by section 10, to be employed at any labor consistent with reasonable punishment and the physical ability of the convicts: *Provided*, That the convicts shall, as far as possible consistent with the best interests of the State, be so worked that the products of their labor shall come least in competition with that of free labor: *Provided further*, That in no case shall convicts be worked in factories where women are employed; the State furnishing all guards, physicians, the hirer furnishing transportation, maintenance, medicine, clothing, and all other necessaries, and such buildings as may be required (which shall be stated in the advertisement), and paying quarterly for the annual labor of the convicts at an agreed price per annum per capita. At the time fixed in said advertisement the commission shall award said convicts, or any of them, to the bidder or bidders who offer the highest and best price for the labor, but may reject any and all of said bids, and may make any other contract of hiring on the plan specified which, in their judgment, will carry out the intentions of this act and subserve the best interests of the State. Any hirer shall have the right to sublet, by and with the consent of the commission, any number or all the convicts hired by him, provided that there shall be no additional expense to the State. The commission, in hiring the convicts, may contract with one or more persons or companies, but no bids for less than 50 nor more than 500 convicts shall be received; and all convicts sentenced after April 1, 1899, to the penitentiary shall be disposed of by the commission under and by virtue of the provisions of this act. * * *

SEC. 13. Upon the expiration of the present lease contract, the commission shall place upon the property purchased the females, who shall be put at such labor as is best suited to their sex and strength. They shall also place upon said farm or farms all boys under 15 years of age, who shall be put at such work as is best suited to their strength and age, making provisions for such moral and manual training as may be conducive to their reformation and restoration to good citizenship. Such aged, infirm, or diseased convicts as in the judgment of the commission should not be hired out, and such others as may be needed or reserved by said commission, shall be put at such labor as the commission may direct. The convicts required by the county or municipal authorities for public works therein shall be delivered to said county or municipal authorities, and the residue shall be put at labor on the contracts of hiring made as herein provided.

SEC. 17. All laws and parts of laws in conflict with this act are hereby repealed.

Approved December 21, 1897.

TEXAS.

ACTS OF 1897, SPECIAL SESSION.

CHAPTER 6.—*Liability of railroad companies for injuries of employees.*

SECTION 1. Every person, receiver, or corporation operating a railroad or street railway the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employee thereof while engaged in the work of operating the cars, locomotives, or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employee of such person, receiver, or corporation, and the fact that such servants or employees were fellow-servants with each other shall not impair or destroy such liability.

SEC. 2. All persons engaged in the service of any person, receiver, or corporation, controlling or operating a railroad or street railway the line of which shall be situated in whole or in part in this State, who are intrusted by such person, receiver, or corporation with the authority of superintendence, control, or command of other servants or employees of such person, receiver, or corporation, or with the authority

to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow-servants with their coemployees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved June 18, 1897.

[NOTE.—The foregoing act passed the senate by a vote of yeas 20, nays 5; and passed the house by a vote of yeas 64, nays 40.]

WISCONSIN.

ACTS OF 1897.

CHAPTER 155.—*Marking convict-made goods.*

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any State, except the State of Wisconsin, and imported, brought or introduced into the State of Wisconsin, shall before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

SEC. 2. The brand, label or mark hereby required, shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

SEC. 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

SEC. 4. A person knowingly having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise, manufactured in any State, except the State of Wisconsin, without the brand, mark or label, required by law, or who removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1897.

CHAPTER 258.—*Board of arbitration and conciliation.*

SECTION 1. Section 1, of chapter 364, of the laws of 1895, is hereby amended by adding at the end of said section the following: All requests and communications intended for said board may be addressed to the governor at Madison, who shall at once refer the same to the said board for their action.

SEC. 2. Section 3, of said chapter 364, of the laws of 1895, is hereby amended by striking out the word "shall" in the eighth line of said section and inserting in place thereof, the words "may without any application therefor and;" and further by inserting after the word "thereafter" in the tenth line of said section, the word "shall," so that said section when so amended shall read as follows: Section 3. Whenever any controversy or difference not the subject of litigation in the courts of this State exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this State, said board may, without any application therefor, and upon application as hereinafter provided, and as soon as practicable thereafter, [shall] visit the locality of the dispute and make careful inquiry into the case thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof, published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1897.

CHAPTER 338.—*Examination, licensing, etc., of plumbers.*

SECTION 1. No person, firm or corporation engaged in or working at the business of plumbing, in cities of the first, second and third class, shall hereafter engage in or work at said business in this State, either as a master or employing plumber, or as a journeyman plumber, unless such person, firm or corporation, first receives a license therefor, in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall apply to the board of public works where such exist, or the board of health having jurisdiction in the locality where he intends to engage in or work at such business, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination and licensing of any one member of the firm or the manager of the corporation, shall satisfy the requirements of this act.

SEC. 3. There will be in every city of the first, second and third class, having a system of water supply or sewerage, a board of examiners of plumbers, consisting of the board of public works, or where such board does not exist, the chairman of the board of health, and in cities having an inspector of plumbing, the inspector of plumbing of said city, who shall be member ex officio of said board, and serve without compensation, and a third member who shall be a practical plumber. Said third member shall be appointed by the mayor of said city within three months from the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and who will act without compensation: *Provided*, That if, in any city there is no board of public works or inspector of plumbing, said board of health shall appoint a second member of said board of examiners who shall be a practical plumber, who shall also act without compensation.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicants, shall so certify to the board of public works or to the board of health or inspector of plumbing, as the case may be, in their respective city. Said board of examiners shall thereupon issue a license to such applicant authorizing him to engage in or work at the business of plumbing, as master plumber, or employing

plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be two dollars; for a journeyman plumber it shall be fifty cents. Said license shall be renewed annually upon payment of a fee of fifty cents. All moneys accruing from such fees to be paid into the treasury of the city where such licenses are issued. In case of removal beyond the jurisdiction of the board of examiners issuing the original license, it may be renewed by any board having like authority. A license granted by a board of examiners shall entitle the holder to practice in all parts of the State of Wisconsin unless the local board where said work is being done shall object, in which event said plumber shall be examined by said local board according to this act.

SEC. 5. The board of public works where such board exists, or the board of health of each city, mentioned in section 3, of this act, shall, within three months from the passage of this act, appoint one or more inspectors of plumbing, who shall be practical plumbers, and who shall hold office until removed by said board for cause of [*sic*] which must be shown. The compensation of such inspector or inspectors shall be determined by the board appointing them, and be paid from the treasury of their respective cities. Said inspector or inspectors shall inspect all plumbing work for which permits are hereafter granted in their respective jurisdiction, in process of construction, alteration or repair; and shall report to said board all violations of any law, ordinance or by-law, relating to plumbing work, and also perform such other appropriate duties as may be required.

SEC. 6. Each city of the first, second and third class, having a system of water supply or sewerage, shall, by ordinance or by-law, within six months from the passage of this act, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures, by and through which supply or waste water or sewerage is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in such city, except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city, or such person or persons as either of said boards may designate; and shall further provide that no plumbing work shall be done, except in case of repair leaks, without a permit being first issued therefor, upon such terms and conditions as such city shall prescribe.

SEC. 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not exceeding fifty dollars for each and every violation thereof, and his license may be revoked by the examining board provided for in section 3, of this act.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be [in] force within and after six months after the passage of this bill.

Approved April 24, 1897.

CHAPTER 375.—*Regulation, etc., of bakeries.*

SECTION 1. All buildings occupied as biscuit, bread and cake bakeries shall be so drained and shall be provided with such a system of plumbing as shall conduce to the proper and healthful condition thereof.

SEC. 2. Every room used for the manufacture of flour or meal food products shall have, if deemed necessary by the authority vested with the enforcement of this act, an impermeable floor of hard wood, properly saturated with linseed oil. The side walls and ceiling of such rooms shall be plastered or wainscoted, and shall be whitewashed at least once in six months. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept clean and in a proper and healthful sanitary condition.

SEC. 3. The manufactured or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleansed.

SEC. 4. Every such bakery shall be provided with a proper wash-room, soap and towel, and water-closet or closets, with ventilation, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth closet, privy or ash-pit shall be within or communicate directly with the bake-room of any bakery.

SEC. 5. The sleeping places for the persons employed in a bakery shall be separate from the room or rooms where flour or meal food products are manufactured or stored.

SEC. 6. Any person who violates any of the provisions of this law, or refuses to comply with any of the requirements of the authority vested with its enforcement, as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty or more than fifty dollars for a first offense, and for a second offense by a fine of not less than fifty nor more than one

hundred dollars, or by imprisonment for not more than ten days, and for the third offense and every succeeding offense by a fine of not less than two hundred and fifty dollars and by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 7. The owner, agent or lessee of any property affected by the provisions of sections one, two or four, of this act, shall, within sixty days after service of notice requiring any alteration to be made in or upon such premises, comply therewith. Such notice shall be in writing, and may be served upon such owner, agent or lessee, either personally or by mail; and a notice mailed to the last known address of such owner, agent or lessee shall be deemed sufficient for the purposes of this act.

SEC. 8. The board of health of a city or town in which a bakery is situated, or in which the business regulated by this act is carried on, may enforce the provisions of this act and may cause copies of the same to be printed and posted in all bakeries and places in which such business is carried on within their respective jurisdictions.

SEC. 9. This law is to take effect from and after the date of its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.

[Note by the secretary of state.—The foregoing act having been presented to the governor for his approval, and such approval having been withheld, said act was returned by him to the house of the legislature in which it was originated; it was then passed over his veto by a vote of 21 ayes, and 8 noes in the senate; it was refused passage over governor's veto in the assembly by a vote of 56 ayes, and 31 noes; said vote in the assembly was reconsidered and action of the senate concurred in by a vote of 52 ayes, and 26 noes. Said act has been deposited in this department as a law without the governor's approval, as prescribed in the constitution.—Henry Casson, Secretary of State. August 21, 1897.]

UNITED STATES.

ACTS OF 1897, FIRST SESSION FIFTY-FIFTH CONGRESS.

CHAPTER 11.—*Importation of foreign convict-made goods.*

SECTION 31. All goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Approved July 24, 1897.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

SAVANNAH, GA.—April 30, 1898. Contract with the Anderson Construction Company, St. Louis, Mo., for interior finish, plumbing, gas piping, and approaches for court-house and post-office, $76,997. Work to be completed within six months.

PORTLAND, OREG.—May 11, 1898. Contract with Bentley Construction Company, Milwaukee, Wis., for foundation, superstructure, roof covering, and approaches for custom-house, $347,385. Snake River, Oregon, granite to be used. Work to be completed within sixteen months.

SAN FRANCISCO, CAL.—June 25, 1898. Contract with Thomas Marshall, Pittsburg, Pa., for constructive steel work, roof framing, etc., for court-house, post-office, etc., $154,715.10. Work to be completed before March 1, 1899.

KANSAS CITY, MO.—July 5, 1898. Contract with Empire Fire Proofing Company, Chicago, Ill., for rear wall, steel and iron work, skylights, brick and terra-cotta arches, with concrete filling over same, and brick and terra-cotta partitions for court-house and post-office, $42,500. Work to be completed within six months.

CHEYENNE, WYO.—July 7, 1898. Contract with Keefe & Bradley for excavation, foundation, basement, and area walls, first floor steel beams, girders, lintels, galvanized-iron flue linings, etc., catch-basins, manholes, sewer connections, etc., for United States public building, $31,800. Work to be completed within four months.